

Cheyenne, WY, Cheyenne Regional/Jerry Olson Field, NDB RWY 27, Amdt 14
 Cheyenne, WY, Cheyenne Regional/Jerry Olson Field, VOR OR TACAN-A, Amdt 10
 Cheyenne, WY, Cheyenne Regional/Jerry Olson Field, GPS RWY 12, Amdt 1B, CANCELLED
 Cheyenne, WY, Cheyenne Regional/Jerry Olson Field, GPS RWY 26, Orig-A, CANCELLED

* * * Effective May 12, 2005

Minot, ND, Minot Intl, LOC/DME BC RWY 13, Amdt 7

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 157

[Docket No. RM81-19-000]

Natural Gas Pipelines; Project Cost and Annual Limits

February 1, 2005.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: Pursuant to the authority delegated by 18 CFR 375.308(x)(1), the Director of the Office of Energy Projects (OEP) computes and publishes the project cost and annual limits for natural gas pipelines blanket construction certificates for each calendar year.

EFFECTIVE DATE: January 1, 2005.

FOR FURTHER INFORMATION, CONTACT: Michael J. McGehee, Chief, Certificates Branch 1, Division of Pipeline Certificates, (202) 502-8962.

Publication of Project Cost Limits Under Blanket Certificates; Order of the Director, OEP

Section 157.208(d) of the Commission's Regulations provides for project cost limits applicable to construction, acquisition, operation and miscellaneous rearrangement of facilities (Table I) authorized under the blanket certificate procedure (Order No. 234, 19 FERC &61,216). Section 157.215(a) specifies the calendar year dollar limit which may be expended on underground storage testing and development (Table II) authorized under the blanket certificate. Section 157.208(d) requires that the "limits specified in Tables I and II shall be adjusted each calendar year to reflect the 'GDP implicit price deflator' published by the Department of

Commerce for the previous calendar year."

Pursuant to '375.308(x)(1) of the Commission's Regulations, the authority for the publication of such cost limits, as adjusted for inflation, is delegated to the Director of the Office of Energy Projects. The cost limits for calendar year 2005, as published in Table I of '157.208(d) and Table II of '157.215(a), are hereby issued.

List of Subjects in 18 CFR Part 157

Administrative practice and procedure, Natural Gas, Reporting and recordkeeping requirements.

J. Mark Robinson,

Director, Office of Energy Projects.

■ Accordingly, 18 CFR part 157 is amended as follows:

PART 157—[AMENDED]

■ 1. The authority citation for part 157 continues to read as follows:

Authority: 15 U.S.C. 717-717w, 3301-3432; 42 U.S.C. 7101-7352.

■ 2. Table I in § 157.208(d) is revised to read as follows:

§ 157.208 Construction, acquisition, operation, replacement, and miscellaneous rearrangement of facilities.

* * * * *

(d) * * *

TABLE I

Year	Limit	
	Auto. proj. cost limit (Col.1)	Prior notice proj. cost limit (Col.2)
1982	\$4,200,000	\$12,000,000
1983	4,500,000	12,800,000
1984	4,700,000	13,300,000
1985	4,900,000	13,800,000
1986	5,100,000	14,300,000
1987	5,200,000	14,700,000
1988	5,400,000	15,100,000
1989	5,600,000	15,600,000
1990	5,800,000	16,000,000
1991	6,000,000	16,700,000
1992	6,200,000	17,300,000
1993	6,400,000	17,700,000
1994	6,600,000	18,100,000
1995	6,700,000	18,400,000
1996	6,900,000	18,800,000
1997	7,000,000	19,200,000
1998	7,100,000	19,600,000
1999	7,200,000	19,800,000
2000	7,300,000	20,200,000
2001	7,400,000	20,600,000
2002	7,500,000	21,000,000
2003	7,600,000	21,200,000
2004	7,800,000	21,600,000
2005	8,000,000	22,000,000

* * * * *

■ 3. Table II in § 157.215(a)(5) is revised to read as follows:

§ 157.215 Underground storage testing and development.

(a) * * *
 (5) * * *

TABLE II

Year	Limit
1982	\$2,700,000
1983	2,900,000
1984	3,000,000
1985	3,100,000
1986	3,200,000
1987	3,300,000
1988	3,400,000
1989	3,500,000
1990	3,600,000
1991	3,800,000
1992	3,900,000
1993	4,000,000
1994	4,100,000
1995	4,200,000
1996	4,300,000
1997	4,400,000
1998	4,500,000
1999	4,550,000
2000	4,650,000
2001	4,750,000
2002	4,850,000
2003	4,900,000
2004	5,000,000
2005	5,100,000

* * * * *

[FR Doc. 05-2255 Filed 2-4-05; 8:45 am]

BILLING CODE 6717-01-P

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 416

[Regulation No. 16]

RIN 0960-AF84

Determining Income and Resources Under the Supplemental Security Income (SSI) Program

AGENCY: Social Security Administration.
ACTION: Final rules.

SUMMARY: We are revising our regulations that explain how we determine an individual's income and resources under the supplemental security income (SSI) program in order to achieve three program simplifications. First, we are eliminating clothing from the definition of income and from the definition of in-kind support and maintenance. As a result, we generally will not count gifts of clothing as income when we decide whether a person can receive SSI benefits or when we compute the amount of the benefits. Second, we are changing our resource-counting rules in the SSI program by eliminating the dollar value limit for the exclusion of household goods and personal effects.

As a result, we will not count household goods and personal effects as resources when we decide whether a person can receive SSI benefits. Third, we are changing our rules for excluding an automobile in determining the resources of an SSI applicant or recipient. We will exclude one automobile (the "first" automobile) from resources if it is used for transportation for the individual or a member of the individual's household, without consideration of its value. These changes will simplify our rules, making them less cumbersome to administer and easier for the public to understand and follow. Our experience of nearly 30 years of processing SSI claims indicates that these simplifications will have minimal effect on the outcome of SSI eligibility determinations.

DATES: These regulations are effective on March 9, 2005.

Electronic Version: The electronic file of this document is available on the date of publication in the **Federal Register** at <http://www.gpoaccess.gov/fr/index.html>. It is also available on the Internet site for SSA, Social Security Online, at <http://policy.ssa.gov/pnpublic.nsf/LawsRegs>.

FOR FURTHER INFORMATION CONTACT: Robert Augustine, Social Insurance Specialist, Office of Regulations, Social Security Administration, 100 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235-6401, (410) 965-0020 or TTY (410) 966-5609. For information on eligibility or filing for benefits, call our national toll-free number, 1-800-772-1213 or TTY 1-800-325-0778, or visit our Internet site, Social Security Online, at <http://www.socialsecurity.gov>.

SUPPLEMENTARY INFORMATION:

Background

The basic purpose of the SSI program (title XVI of the Social Security Act (the Act)) is to ensure a minimum level of income to people who are age 65 or older, or blind or disabled, and who have limited income and resources. The law provides that payments can be made only to people who have income and resources below specified amounts. Therefore, the amount of income and resources a person has is a major factor in deciding whether the person can receive SSI benefits and in computing the amount of the benefits.

The Government Accountability Office (GAO) has reported that annual costs to the Federal Government for administering means-tested Federal programs are significant and that eligibility determination activities make up a substantial portion of these costs

(Means-Tested Programs: Determining Financial Eligibility Is Cumbersome and Can Be Simplified, *GAO-02-58*, November 2, 2001 available at <http://www.gao.gov>). In particular, the GAO cited the variations and complexity of Federal financial eligibility rules as contributing to processes that are often duplicative and cumbersome for staff workers (including state and local caseworkers) and for those who apply for assistance. In order to streamline our eligibility determination process, as well as make our financial eligibility rules more consistent with those of other means-tested Federal programs, we are making the following changes to our rules on determining income and resources under the SSI program.

Explanation of Changes

A. Elimination of Clothing From the Definitions of Income and In-Kind Support and Maintenance

Section 1612 of the Act defines income as both earned income and unearned income, including support and maintenance furnished in cash or in kind. Under our current rules, income may include anything you receive in cash or in kind that you can use to meet your needs for food, clothing, and shelter. Both earned income and unearned income can include items received in kind. Generally, we value in-kind items at their current market value. However, we have special rules for valuing food, clothing, or shelter that is received as unearned income.

In-kind support and maintenance is unearned income in the form of food, clothing, or shelter that is given to a person or that the person receives because someone else pays for it. Section 1612(a)(2)(A) of the Act provides that if an eligible individual receives in-kind support and maintenance, his or her SSI payment may be reduced by up to one-third of the monthly Federal benefit rate. To determine whether the one-third reduction applies, we must ask claimants and beneficiaries a lengthy series of questions about their living arrangements and household expenses. We also must obtain similar information from the homeowner or head of the household, who often is not a claimant or recipient.

The complexity of the rules for valuing in-kind support and maintenance results in reporting requirements that are difficult for the public to understand and follow. We are, therefore, simplifying the SSI program by eliminating clothing from the definition of income and from the definition of in-kind support and

maintenance. Clothing is one of the basic sustenance needs, along with food and shelter. However, unlike food and shelter, clothing generally is not received every month. Items of clothing are more likely to be received infrequently and sporadically, and they generally have no substantial financial value. In addition, our attempts to discover and assign a value to gifts of clothing are not only administratively burdensome, but have been viewed as harsh and demeaning and as providing a disincentive for family members to help needy relatives.

After 30 years of administering the SSI program, our experience shows that clothing received as in-kind support and maintenance rarely affects an individual's eligibility for SSI or the amount of benefits. Thus, questioning individuals about items as personal as basic clothing may be seen as intrusive without achieving any substantial program goal or enhancing program integrity. We are making this change to simplify our rules and improve our work efficiency. This change will make our rules less intrusive and more protective of the dignity and privacy of claimants and beneficiaries, and will not significantly increase SSI program costs.

We are removing the specific reference to clothing from our broad definition of income in § 416.1102, which covers both earned and unearned income. This will permit us to disregard gifts of clothing when we apply the special rules for valuing in-kind support and maintenance. Counting gifts of clothing puts a negative face on the SSI program without advancing any substantial program goal and incurs administrative costs.

There will be one situation where we will be required to consider clothing as income. This situation could occur when an individual receives clothing from an employer that we must count as wages under section 1612(a)(1)(A) of the Act. Wages are the same for SSI purposes as for the earnings test in the Social Security retirement program. Under the earnings test, wages may include the value of food, clothing, or shelter, or other items provided instead of cash. We refer to these items as in-kind earned income. Because we are required by the Act to count the value of these items as income, we are not making any changes to our current rule in § 416.1110(a). Situations where clothing constitutes wages are very uncommon.

These rules remove references to clothing throughout subpart K, which explains how we count income. We also are updating the second example in

§ 416.1103(g) to reflect that SSI eligibility is now based on an individual's income, resources, and other relevant circumstances in a *month* rather than in a *calendar quarter*. The change from a quarterly determination to a monthly determination, which is explained in § 416.420, was effective April 1, 1982 pursuant to section 2341 of Public Law 97-35. This example was inadvertently overlooked when conforming changes were previously made.

B. Exclusion of Household Goods and Personal Effects

Section 1613(a)(2)(A) of the Act provides that in determining the resources of an individual (and eligible spouse, if any), SSA will exclude household goods and personal effects to the extent that their total value does not exceed an amount that the Commissioner decides is reasonable. In interpreting "reasonable" value of household goods and personal effects, § 416.1216(b) of our regulations provides for an exclusion of up to \$2,000 of the total equity value. The amount in excess of \$2,000 is counted against the resource limit, currently \$2,000 for an individual and \$3,000 for an individual and spouse.

Section 416.1216(a) defines household goods as including household furniture, furnishings, and equipment that are commonly found in or about a house and used in connection with the operation, maintenance, and occupancy of the home. Also included are furniture, furnishings, and equipment used in the functions and activities of home and family life as well as those items that are for comfort and accommodation. This section specifically defines personal effects as including clothing, jewelry, items of personal care, and individual educational and recreational items. In addition, § 416.1216(c) provides specific exclusions for a wedding ring, an engagement ring, and equipment required because of a person's physical condition.

To determine the equity value of household goods and personal effects, we ask the person for a list of household and personal items, the value of each, and what the individual owes on each. This process can be complex, difficult for the public to understand, and unduly intrusive into personal affairs. We are amending these rules as part of our efforts to simplify the SSI program.

We are amending our regulations for household goods and personal effects by eliminating the dollar value limit and by excluding from countable resources all:

- Household goods if they are items of personal property, found in or near a home, that are used on a regular basis, or items needed by the householder for maintenance, use and occupancy of the premises as a home; and
- Personal effects if they are items of personal property that ordinarily are worn or carried by the individual, or are articles that otherwise have an intimate relation to the individual.

Thus, we will interpret the word "reasonable" in section 1613(a)(2)(A) of the Act in terms other than a specific dollar limit. The reasonable value will instead be based on the uses and characteristics of the item. Our current rules on household goods and personal effects reflect our view that it is reasonable to totally exclude certain items of personal property because they are rarely of significant value or are intimately related to the individual and his or her particular needs. Accordingly, we have determined that requiring conversion of such items for subsistence needs is unreasonable.

Currently, § 416.1216(c) provides for totally excluding a wedding ring and an engagement ring, and household goods and personal effects required because of a person's physical condition. We are expanding this approach generally to household goods and personal effects so that they may be totally excluded from resources because our experience in 30 years of administering the SSI program shows that these items almost never have any substantial value, particularly once they are used.

These rules amend § 416.1216 to define and identify household goods and personal effects that we will not count as resources. Included in the list of excluded personal effects are items of cultural or religious significance since these items have an intimate relationship to an individual. The list of exclusions also includes items required due to an individual's impairment. This will allow for exclusion of items required because of any impairment, not just physical impairments. For example, our experience has shown that children and adults with learning disabilities use personal computers to assist them with schoolwork and other daily activities. This change will allow us to exclude items such as personal computers from countable resources.

We are also amending § 416.1210(b) by referring to § 416.1216 for the definition of household goods and personal effects that we will not count as resources.

While simplifying the SSI program, our changes continue to recognize that individuals applying for SSI may own items for investment purposes which

may be quite valuable. Such items as gems, jewelry that is not worn or held for family significance, and collectibles will still be considered countable resources and subject to the limits in § 416.1205. Thus, the exclusion for household goods and personal effects will not apply to such items that have investment value.

Our experience in administering the SSI program suggests that the change we are making will affect the eligibility of only a few applicants and recipients. However, this change will simplify our rules and improve our work efficiency without significantly increasing program costs. It will make our rules less intrusive and more protective of the dignity of applicants and recipients. This intrusion into the privacy of a person's home unnecessarily puts a negative face on the SSI program without achieving any corresponding gain in program integrity or payment accuracy. It also will more accurately reflect the reality that all SSI applicants and recipients need household goods and personal effects to perform activities of daily living and maintain quality of life. Accordingly, we believe it would be unreasonable to require applicants and recipients to convert these items to cash in order to meet their subsistence needs. The resale value of typical household items is minimal after the item has been used. Although it could be expensive to replace certain household items, these items would be worth very little if the individual tried to resell them to get cash for subsistence needs.

C. Exclusion of an Automobile From Resources

Section 1613(a)(2)(A) of the Act provides that, in determining the resources of an individual (and eligible spouse, if any) for SSI purposes, SSA will exclude an automobile to the extent that its value does not exceed an amount that the Commissioner of Social Security decides is reasonable. Current regulations at § 416.1218 define an "automobile" as a passenger car or other vehicle used to provide necessary transportation.

In interpreting "reasonable" value, § 416.1218(b)(1) provides that an automobile is totally excluded regardless of value if it meets any of the four following criteria:

- It is necessary for employment;
- It is necessary for the medical treatment of a specific or regular medical problem;
- It is modified for a handicapped person; or

- It is necessary because of certain factors to perform essential daily activities.

If no automobile can be excluded based on its use, one automobile is excluded to the extent its current market value does not exceed \$4,500. See § 416.1218(b)(2). Additional automobiles are counted as nonliquid resources to the extent of their equity value. See § 416.1218(b)(3).

We are amending our rules to exclude one automobile from resources regardless of its value if it is used for transportation for the individual or a member of the individual's household. We are doing so because our data establish that the vast majority of "first" automobiles owned by SSI recipients are currently excluded based on one of the four transportation criteria set out in § 416.1218(b)(1). In addition, there is no indication that the automobiles which are not covered by the special circumstances represent significant resources. Based on quality assurance data for 1998, in approximately 98 percent of those SSI cases involving automobile ownership, the value of one car was completely excluded. Anecdotal data from SSA claims representatives support the 1998 quality assurance data.

We are revising § 416.1210(c) to exclude from resources an automobile that is used for transportation as provided in § 416.1218. We are also changing § 416.1218(b) to exclude totally one automobile regardless of value if it is used for transportation for the individual or a member of the individual's household and to eliminate the existing four specific reasons for exclusion. We are also removing § 416.1218(c), which contains the definition of the current market value of an automobile.

Under current policy, we virtually always exclude one automobile for each individual or couple applying for or receiving SSI. Our aim in simplifying the automobile rules is to achieve essentially the same outcome by automatically excluding one automobile used for transportation for each individual or couple without unnecessary claims development.

The Act states that we will exclude an automobile of reasonable value. We have previously interpreted the word "reasonable" in terms of the uses and needs of disabled individuals and in terms of dollar limits. Specifically, the preamble to the final regulation which increased the exclusion of the automobile value to \$4,500 on July 24, 1979 (44 FR 43265) stated that we had "concluded that there are special circumstances which justify entirely excluding an automobile. For example,

if the automobile is needed for employment or medical treatment or if it has been modified for use by a handicapped person, we will exclude it without regard to value." Since October 22, 1985 (50 FR 42687), the regulations also provide for total exclusion of an automobile if, due to certain factors, it is necessary for transportation to perform essential daily activities. Our experience shows that virtually all SSI claimants and recipients who have automobiles need them for transportation under the circumstances listed above.

It should be noted that our interpretation of "reasonable" will not eliminate the requirement to develop the value of second or additional automobiles. Nor will the "first" automobile be excluded if it is not used for transportation. In those cases where a vehicle is inoperable, or operable but not used at all, or used only for recreation (e.g., a dune buggy), it will still be valued according to current rules. We believe it would be unreasonable to exclude from resources the value of a vehicle that is not used for transportation.

The change will have a negligible effect on program costs and will simplify administration of the exclusion. It will eliminate the need for SSA claims representatives to ask the SSI recipient if his/her vehicle meets one of the four specific exclusion criteria or otherwise determine the value of the vehicle.

Public Comments

On January 6, 2004, we published proposed rules in the **Federal Register** at 69 FR 554 and provided a 60-day period for interested parties to comment. We received comments from 49 individuals and 20 organizations. Because some of the comments received were quite detailed, we have condensed, summarized or paraphrased them in the discussion below. We have tried to present all views adequately and to carefully address all of the issues raised by the commenters that are within the scope of the proposed rules.

Fifty-nine of the commenters fully support the proposed rules and have not requested any additional changes in the regulations. Most of these commenters cited "simplification of the SSI rules" and "reducing the burden on the public" as the reasons for their support of the proposed rules.

The remaining commenters raised the following issues that are within the scope of the proposed rules.

Comment: Several commenters supported the proposed regulations but recommended a change to the

automobile exclusion. We proposed to exclude one automobile regardless of value if it is used for transportation by the SSI eligible individual or a member of that individual's household. The commenters recommended inserting language which would also permit exclusion of one automobile if SSA determines that the automobile is being used by a person who lives outside the household to help the SSI eligible individual. The commenters state that this would address the situation in which the automobile is never used by the SSI eligible individual or any member of the household but it is used by a person outside the household to run errands for the eligible individual.

Response: After careful consideration, we decided not to adopt this suggested change. The Social Security Act provides an exclusion for an automobile of reasonable value. Since 1985, our interpretation of reasonable value has been based on the premise that the excluded automobile is used to provide necessary transportation for the individual or a member of the individual's household. If an automobile is not used to provide transportation for the individual or members of the individual's household, it is not excluded from resources. Limiting the exclusion to an automobile used to provide transportation for the individual or a household member is appropriate because it links the exclusion of the automobile with use of the automobile by the person who owns the automobile or by a member of his or her household. In addition, the revised rules will permit an exclusion of the automobile if a person residing outside the individual's household uses the automobile to provide transportation for the individual or a household member.

Comment: One individual disagreed with our proposed rule for the automobile exclusion because the rule does not limit the dollar value of the automobile being excluded. The commenter stated that such a rule would not be well-received by the public.

Response: After careful consideration, we have decided not to make any change based on this comment. Under our revised rules, we are simplifying the procedures for determining whether an automobile is excluded. However, we are not making any change to the exclusion on the basis of a dollar limit. We have excluded automobiles used for necessary transportation regardless of value since 1985. After nearly 20 years of experience with excluding automobiles regardless of value, we have not found that this approach has caused concern in the general public. In

addition, our effort to simplify the rules for this exclusion would be negated by adding a requirement to determine the value of excluded automobiles which in many situations would require determining the individual's equity in the automobile and the condition of the automobile.

Comment: One individual expressed overall support for the proposed rules but recommended that artwork and antiques should not be excluded under the exclusion for household goods and personal effects. The commenter expressed concern that an applicant for SSI benefits could own valuable artwork or antiques and that there should be a limit on the value of such items.

Response: After careful consideration, we have decided not to change the language of the exclusion for household goods and personal effects to specify that artwork and antiques should not be excluded. We do not believe such a change is necessary. Although these rules will eliminate the dollar limit for the exclusion of household goods and personal effects, they will still permit us to consider the resources of an individual who owns valuable items that are not considered as household goods or personal effects under our regulatory definition. Our experience of 30 years of administering the SSI program shows that household goods and personal effects rarely have substantial resale value, particularly once they are used. However, our rules will continue to recognize that individuals applying for SSI benefits may own items for investment purposes which may be quite valuable. Such items as gems, jewelry not held for family significance, and collectibles will still be considered as countable resources and be subject to the SSI resource limit. Artwork and antiques can fall within the category of collectibles, and, where they have been acquired or held for their investment value, such items will be countable resources. Although in our claims development process we will not routinely examine all of an individual's furniture and personal possessions to determine if any pieces are valuable artwork or antiques, we will have the regulatory authority to count such value items as resources when we become aware of such items.

Regulatory Procedures

Executive Order 12866, as Amended by Executive Order 13258

The Office of Management and Budget (OMB) has reviewed these final rules in accordance with Executive Order 12866, as amended by Executive Order 13258.

We have also determined that these final rules meet the plain language requirement of Executive Order 12866, as amended by Executive Order 13258.

Regulatory Flexibility Act

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

Paperwork Reduction Act

These final rules will impose no additional reporting or recordkeeping requirements requiring OMB 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: December 2, 2004.

Jo Anne B. Barnhart,

Commissioner of Social Security.

■ For the reasons set out in the preamble, we are amending subparts K and L of part 416 of chapter III of title 20 of the Code of Federal Regulations 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, Pub. L. 93–66, 87 Stat. 154 (42 U.S.C. 1382 note).

■ 2. Section 416.1102 is revised to read as follows:

§ 416.1102 What is income?

Income is anything you receive in cash or in kind that you can use to meet your needs for food and shelter. Sometimes income also includes more or less than you actually receive (see § 416.1110 and § 416.1123(b)). In-kind income is not cash, but is actually food or shelter, or something you can use to get one of these.

■ 3. Section 416.1103 is amended by revising the section heading, the introductory text, paragraphs (a)(3),

(a)(4), (a)(5) introductory text, (b)(2), (b)(3) introductory text, the examples in paragraph (g), and the text and example 1 of paragraph (j) to read as follows:

§ 416.1103 What is not income?

Some things you receive are not income because you cannot use them as food or shelter, or use them to obtain food or shelter. In addition, what you receive from the sale or exchange of your own property is not income; it remains a resource. The following are some items that are not income:

(a) * * *

(3) Assistance provided in cash or in kind (including food or shelter) under a Federal, State, or local government program whose purpose is to provide medical care or medical services (including vocational rehabilitation);

(4) In-kind assistance (except food or shelter) provided under a nongovernmental program whose purpose is to provide medical care or medical services;

(5) Cash provided by any nongovernmental medical care or medical services program or under a health insurance policy (except cash to cover food or shelter) if the cash is either:

* * * * *

(b) * * *

(2) In-kind assistance (except food or shelter) provided under a nongovernmental program whose purpose is to provide social services; or

(3) Cash provided by a nongovernmental social services program (except cash to cover food or shelter) if the cash is either:

* * * * *

(g) * * *

Examples: If your daughter uses her own money to pay the grocer to provide you with food, the payment itself is not your income because you do not receive it. However, because of your daughter's payment, the grocer provides you with food; the food is in-kind income to you. Similarly, if you buy food on credit and your son later pays the bill, the payment to the store is not income to you, but the food is in-kind income to you. In this example, if your son pays for the food in a month after the month of purchase, we will count the in-kind income to you in the month in which he pays the bill. On the other hand, if your brother pays a lawn service to mow your grass, the payment is not income to you because the mowing cannot be used to meet your needs for food or shelter. Therefore, it is not in-kind income as defined in § 416.1102.

* * * * *

(j) *Receipt of certain noncash items.* Any item you receive (except shelter as defined in § 416.1130 or food) which would be an excluded nonliquid resource (as described in subpart L of this part) if you kept it, is not income.

Example 1: A community takes up a collection to buy you a specially equipped van, which is your only vehicle. The value of this gift is *not income* because the van does not provide you with food or shelter and will become an excluded nonliquid resource under § 416.1218 in the month following the month of receipt.

* * * * *

§§416.1104, 416.1121, 416.1124, 416.1130, 416.1133, 416.1140, 416.1142, 416.1144, 416.1145, 416.1147, 416.1148, 416.1149, 416.1157 [Amended]

■ 4. Remove the words “food, clothing, or shelter” and add, in their place, the words “food or shelter” in the following sections:

- a. Section 416.1104;
- b. Section 416.1121(b) and (h);
- c. Section 416.1124(c)(3);
- d. Section 416.1130(a) and (b);
- e. Section 416.1133(a);
- f. Section 416.1140(a)(1), (a)(2)(i), (a)(2)(ii), (b)(1), and (b)(2);
- g. Section 416.1142(b);
- h. Section 416.1144(b)(2);
- i. Section 416.1145;
- j. Section 416.1147(c) and (d)(1);
- k. Section 416.1148(b)(1) and (b)(2);
- l. Section 416.1149(c)(1)(i) and (c)(1)(ii); and
- m. Section 416.1157(b).

Subpart L—[Amended]

■ 5. The authority citation for subpart L 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, Pub. L. 93-66, 87 Stat. 154 (42 U.S.C. 1382 note).

■ 6. Section 416.1210 is amended by revising paragraphs (b) and (c) to read as follows:

§ 416.1210 Exclusions from resources; general.

* * * * *

(b) Household goods and personal effects as defined in § 416.1216;

(c) An automobile, if used for transportation, as provided in § 416.1218;

* * * * *

■ 7. Section 416.1216 is revised to read as follows:

§ 416.1216 Exclusion of household goods and personal effects.

(a) *Household goods.* (1) We do not count household goods as a resource to an individual (and spouse, if any) if they are:

(i) Items of personal property, found in or near the home, that are used on a regular basis; or

(ii) Items needed by the householder for maintenance, use and occupancy of the premises as a home.

(2) Such items include but are not limited to: Furniture, appliances, electronic equipment such as personal computers and television sets, carpets, cooking and eating utensils, and dishes.

(b) *Personal effects.* (1) We do not count personal effects as resources to an individual (and spouse, if any) if they are:

(i) Items of personal property ordinarily worn or carried by the individual; or

(ii) Articles otherwise having an intimate relation to the individual.

(2) Such items include but are not limited to: Personal jewelry including wedding and engagement rings, personal care items, prosthetic devices, and educational or recreational items such as books or musical instruments. We also do not count as resources items of cultural or religious significance to an individual and items required because of an individual's impairment. However, we do count items that were acquired or are held for their value or as an investment because we do not consider these to be personal effects. Such items can include but are not limited to: Gems, jewelry that is not worn or held for family significance, or collectibles. Such items will be subject to the limits in § 416.1205.

■ 8. Section 416.1218 is amended by revising paragraph (b)(1), removing paragraph (b)(2), redesignating paragraph (b)(3) as (b)(2) and revising it, and removing paragraph (c) to read as follows:

§ 416.1218 Exclusion of the Automobile.

* * * * *

(b) * * *

(1) *Total exclusion.* One automobile is totally excluded regardless of value if it is used for transportation for the individual or a member of the individual's household.

(2) *Other automobiles.* Any other automobiles are considered to be nonliquid resources. Your equity in the other automobiles is counted as a resource. (See § 416.1201(c).)

[FR Doc. 05-2248 Filed 2-4-05; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD05-04-179]

RIN 1625-AA09

Drawbridge Operation Regulations; Mantua Creek, Paulsboro, NJ

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is temporarily changing the regulations that govern the operation of the S.R. 44 bridge over Mantua Creek, at mile 1.7, in Paulsboro, New Jersey. The bridge will be closed to navigation from 8 a.m. on September 12, 2005, through 6 p.m. on December 9, 2005. The extensive structural, mechanical, and electrical repairs and improvements necessitate this closure.

DATES: This rule is effective from 8 a.m. on September 12, 2005, through 6 p.m. on December 9, 2005.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket CGD05-04-179 and are available for inspection or copying at Commander (obr), Fifth Coast Guard District, Federal Building, 1st Floor, 431 Crawford Street, Portsmouth, VA 23704-5004 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The Fifth Coast Guard District maintains the public docket for this rulemaking.

FOR FURTHER INFORMATION CONTACT: Anton Allen, Bridge Management Specialist, Fifth Coast Guard District, at (757) 398-6227.

SUPPLEMENTARY INFORMATION:

Regulatory History

On October 12, 2004, we published a notice of proposed rulemaking (NPRM) entitled “Drawbridge Operation Regulations; Mantua Creek, Paulsboro, NJ” in the *Federal Register* (69 FR 60595). We received no letters commenting on the proposed rule. No public meeting was requested, and none was held.

Background and Purpose

The New Jersey Department of Transportation (NJDOT) owns and operates the S.R. 44 Bridge over Mantua Creek in Paulsboro, NJ. The current regulations set out in 33 CFR 117.729 require the draw to open on signal from March 1 through November 30 from 7 a.m. to 11 p.m., and shall open on signal