

As a result of the implementation of this computerized system on November 27, 2006, the revisions to 20 CFR 404.459 and 419.1340 expanding the situations where administrative sanctions may be imposed became applicable. A person is subject to a sanction for failing to disclose information that is material to determining title II/title XVI benefit eligibility or amounts if:

- The person knows or should know the information is material to benefit eligibility or amount; and
- The person knows or should know the withholding of the information is misleading; and
- The failure to disclose occurred after November 27, 2006.

We have revised our instructional manuals and other documents to reflect this additional instance where administrative sanctions may be imposed.

Dated: May 8, 2007.

**Michael J. Astrue,**

*Commissioner of Social Security.*

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## SOCIAL SECURITY ADMINISTRATION

### 20 CFR Part 498

[Docket No. SSA-2006-0044]

#### Applicability of Amendment— Additional Instances Where Civil Monetary Penalties and/or Assessments Can Be Imposed

**AGENCY:** Office of the Inspector General (OIG), Social Security Administration (SSA).

**ACTION:** Announcement of applicability date.

**SUMMARY:** This document announces that on November 27, 2006, the Commissioner of Social Security (Commissioner) implemented the centralized computer file described in section 202 of the Social Security Protection Act of 2004 (SSPA). Until this centralized computer file was implemented, the portion of the final rules published on May 17, 2006, at 71 FR 28574, relating to the imposition of civil monetary penalties and/or assessments for withholding of information from, or failure to disclose information to, SSA, was not in effect.

**DATES:** The amendment to 20 CFR 498.102(a)(3) published May 17, 2006 (71 FR 28574) became applicable November 27, 2006.

**FOR FURTHER INFORMATION CONTACT:** Kathy A. Buller, Chief Counsel to the

Inspector General, Social Security Administration, Office of the Inspector General, Room 3-ME-1, 6401 Security Boulevard, Baltimore, MD 21235-6401, (410) 965-2827. 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 Web site, *Social Security Online*, at <http://www.socialsecurity.gov>.

**SUPPLEMENTARY INFORMATION:** Section 201(a)(1) of the SSPA, Public Law 108-203, amended section 1129 of the Social Security Act (Act) (42 U.S.C. 1320a-8), to allow for the imposition of civil monetary penalties and/or assessments for the withholding of information from, or failure to disclose information to, SSA.

Pursuant to section 201(d) of the SSPA, this amendment to section 1129 of the Act “shall apply with respect to violations committed after the date on which the Commissioner of Social Security implements the centralized computer file described in section 202” of the SSPA. Section 202 of the SSPA provided for the implementation by the Commissioner of “a centralized computer file recording the date of the submission of information by a disabled beneficiary (or representative) regarding a change in the beneficiary’s work or earnings status.”

On May 17, 2006, at 71 FR 28574, the OIG published the final rules reflecting and implementing the amendments to sections 1129 and 1140 of the Social Security Act made by the SSPA and Public Law 106-169, the Foster Care Independence Act of 1999, including section 201(a)(1) of the SSPA. At that time we stated the following regarding the implementation of section 201(a) of the SSPA:

*Applicability Date:* Section 498.102(a)(3), as it relates to the withholding of information from, or failure to disclose information to, SSA, will be applicable upon implementation of the centralized computer file described in section 202 of Public Law 108-203. If you want information regarding the applicability date of this provision, call or write the SSA contact person. SSA will publish a document announcing the applicability date in a subsequent **Federal Register** document. The remainder of § 498.102(a)(3), currently in effect, is unaffected by this delay.

On November 27, 2006, SSA fully implemented the centralized computer file described in section 202 of the SSPA. Therefore, pursuant to the requirements of section 201 of the SSPA and the final rules published at 71 FR 28574, this notice announces that 20 CFR 498.102(a)(3), as it relates to the withholding of information from, or

failure to disclose information to, SSA, is applicable to violations committed after November 27, 2006.

Dated: April 23, 2007.

**Patrick P. O’Carroll, Jr.,**

*Inspector General, Social Security Administration.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52 and 81

[EPA-R05-OAR-2006-0517, EPA-R05-OAR-2006-0563; FRL-8314-4]

#### Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Michigan; Redesignation of Flint, Grand Rapids, Kalamazoo-Battle Creek, Lansing-East Lansing, Muskegon, Benton Harbor, Benzie County, Cass County, Huron County, and Mason County 8-Hour Ozone Nonattainment Areas to Attainment for Ozone

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

**ACTION:** Final rule.

**SUMMARY:** EPA is making determinations under the Clean Air Act (CAA) that the nonattainment areas of Flint (Genesee and Lapeer Counties), Grand Rapids (Kent and Ottawa Counties), Kalamazoo-Battle Creek (Calhoun, Kalamazoo, and Van Buren Counties), Lansing-East Lansing (Clinton, Eaton, and Ingham Counties), Muskegon (Muskegon County), Benton Harbor (Berrien County), Benzie County, Cass County, Huron County, and Mason County have attained the 8-hour ozone National Ambient Air Quality Standard (NAAQS). For the Grand Rapids, Kalamazoo-Battle Creek, Lansing-East Lansing, Benzie County, Huron County, and Mason County areas, these determinations are based on two overlapping three-year periods of complete, quality-assured ambient air quality monitoring data for the 2002-2004 seasons and the 2003-2005 seasons that demonstrate that the 8-hour ozone NAAQS has been attained in the areas. Quality assured monitoring data for 2006 show that the areas continue to attain the standard. For the Flint, Muskegon, Benton Harbor, and Cass County areas, these determinations are based on three years of complete quality-assured ambient air quality monitoring data for the 2004-2006 seasons that demonstrate that the 8-hour