

(1) A party files a request to proceed with the hearing pursuant to paragraph (d) of this section and an administrative law judge makes a decision;

(2) The Appeals Council reviews the decision on its own motion pursuant to § 404.969 as explained in paragraph (f)(3) of this section; or

(3) The decision of the attorney advisor is revised under the procedures explained in § 404.987.

(f) *Ancillary provisions.* For the purposes of the procedures authorized by this section, the regulations of Part 404 shall apply to—

(1) Authorize an attorney advisor to exercise the functions performed by an administrative law judge under §§ 404.1520a and 404.1546;

(2) Define the term “decision” to include a decision made by an attorney advisor, as well as the decisions identified in § 404.901; and

(3) Make the decision of an attorney advisor subject to review by the Appeals Council under § 404.969 if an administrative law judge dismisses the request for a hearing following issuance of the decision, and the Appeals Council decides to review the decision of the attorney advisor anytime within 60 days after the date of the dismissal.

(g) *Sunset provision.* The provisions of this section will no longer be effective on June 30, 1997 unless they are extended by the Commissioner of Social Security by publication of a final rule in the **Federal Register**.

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

### Subpart N—[Amended]

1. The authority citation for subpart N of part 416 is revised to read as follows:

**Authority:** Sec. 702(a)(5), 1631, and 1633 of the Social Security Act (42 U.S.C. 902(a)(5), 1383, and 1383b).

2. New § 416.1442 is added under the undesignated center heading “Hearing Before an Administrative Law Judge” to read as follows:

#### § 416.1442 Prehearing proceedings and decisions by attorney advisors.

(a) *General.* After a hearing is requested but before it is held, an attorney advisor in our Office of Hearings and Appeals may conduct prehearing proceedings as set out in paragraph (c) of this section. If upon the completion of these proceedings, a decision that is wholly favorable to you and all other parties may be made, an attorney advisor, instead of an administrative law judge, may issue such a decision. The conduct of the

prehearing proceedings by the attorney advisor will not delay the scheduling of a hearing. If the prehearing proceedings are not completed before the date of the hearing, the case will be sent to the administrative law judge unless a wholly favorable decision is in process or you and all other parties to the hearing agree in writing to delay the hearing until the proceedings are completed.

(b) *When prehearing proceedings may be conducted by an attorney advisor.* An attorney advisor may conduct prehearing proceedings if you have filed a claim for SSI benefits based on disability and—

(1) New and material evidence is submitted;

(2) There is an indication that additional evidence is available;

(3) There is a change in the law or regulations; or

(4) There is an error in the file or some other indication that a wholly favorable decision may be issued.

(c) *Nature of the prehearing proceedings that may be conducted by an attorney advisor.* As part of the prehearing proceedings, the attorney advisor, in addition to reviewing the existing record, may—

(1) Request additional evidence that may be relevant to the claim, including medical evidence; and

(2) If necessary to clarify the record for the purpose of determining if a wholly favorable decision is warranted, schedule a conference with the parties.

(d) *Notice of a decision by an attorney advisor.* If the attorney advisor issues a wholly favorable decision under this section, we shall mail a written notice of the decision to all parties at their last known address. We shall state the basis for the decision and advise all parties that an administrative law judge will dismiss the hearing request unless a party requests that the hearing proceed. A request to proceed with the hearing must be made in writing within 30 days after the date the notice of the decision of the attorney advisor is mailed.

(e) *Effect of actions under this section.* If under this section, an administrative law judge dismisses a request for a hearing, the dismissal is binding in accordance with § 416.1459 unless it is vacated by an administrative law judge or the Appeals Council pursuant to § 416.1460. A decision made by an attorney advisor under this section is binding unless—

(1) A party files a request to proceed with the hearing pursuant to paragraph (d) of this section and an administrative law judge makes a decision;

(2) The Appeals Council reviews the decision on its own motion pursuant to

§ 416.1469 as explained in paragraph (f)(3) of this section; or

(3) The decision of the attorney advisor is revised under the procedures explained in § 416.1487.

(f) *Ancillary provisions.* For the purposes of the procedures authorized by this section, the regulations of part 416 shall apply to—

(1) Authorize an attorney advisor to exercise the functions performed by an administrative law judge under §§ 416.920a, 416.924d(b), and 416.946;

(2) Define the term “decision” to include a decision made by an attorney advisor, as well as the decisions identified in § 416.1401; and

(3) Make the decision of an attorney advisor subject to review by the Appeals Council under § 416.1469 if an administrative law judge dismisses the request for a hearing following issuance of the decision, and the Appeals Council decides to review the decision of the attorney advisor anytime within 60 days after the date of the dismissal.

(g) *Sunset provision.* The provisions of this section will no longer be effective on June 30, 1997 unless they are extended by the Commissioner of Social Security by publication of a final rule in the **Federal Register**.

[FR Doc. 95-16138 Filed 6-29-95; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### 20 CFR Part 655

#### Wage and Hour Division

#### 29 CFR Part 508

RIN 1205-AA88 and RIN 1215-AA68

### Attestations by Employers for Off-Campus Work Authorization for Foreign Students (F-1 Nonimmigrants)

**AGENCIES:** Employment and Training Administration, Labor; and Wage and Hour Division, Employment Standards Administration, Labor.

**ACTION:** Joint interim final rule.

**SUMMARY:** The Department of Labor (DOL) amends regulations relating to attestations by employers seeking to use nonimmigrant foreign (F-1) students in off-campus work. DOL continues to review comments submitted by the public on the interim final rule and expects to publish a final rule shortly. However, existing attestations expire at the close of June 1995. For that reason, this rule extends the period of

applicability of attestations for one month.

**EFFECTIVE DATE:** June 30, 1995.

**FOR FURTHER INFORMATION CONTACT:** On 20 CFR part 655, subpart J, and 29 CFR part 508, subpart J, contact Ms. Flora T. Richardson, Chief, Division of Foreign Labor Certifications, U.S. Employment Service, Employment and Training Administration, Department of Labor, Room N-4456, 200 Constitution Avenue NW., Washington, DC 20210. Telephone: 202-535-0174 (this is not a toll-free number).

On 20 CFR part 655, subpart K, and 29 CFR part 508, subpart K, contact Tom Shierling, Chief, Farm Labor Programs, Wage and Hour Division, Employment Standards Administration, Department of Labor, Room S-3502, 200 Constitution Avenue NW., Washington, DC 20210. Telephone: 202-523-7605 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

Immigration Act of 1990 (IMMACT) sec. 221 and Immigration and Nationality Act secs. 101(a)(15)(F) and 214 create a pilot program, of limited duration, allowing a nonimmigrant foreign student admitted on F-1 visas to work off-campus if: (1) he/she has completed one academic year as such a nonimmigrant and is maintaining good academic standing at the institution; (2) he/she will not be employed off-campus for more than 20 hours per week during the academic term (but may be employed full-time during vacation periods and between terms); and (3) the employer provides an attestation to the Department of Labor (DOL) and to the educational institution that it unsuccessfully recruited for the position for at least 60 days and will pay the higher of the actual wage at the worksite or the prevailing wage for the occupation in the area of employment. The employer submits such attestations to DOL and the educational institution for foreign students to receive work authorization, if otherwise qualified. The attestation process is administered by the Employment and Training Administration. Complaints and investigations regarding violations of employer attestations are handled by the Wage and Hour Division, Employment Standards Administration. If DOL determines an employee made a materially false attestation or failed to pay wages in accordance with an attestation, the employer, after notice and opportunity for a hearing, may be disqualified from employing F-1 students under the program.

An interim final rule, requesting comments was published November 6, 1991. 56 FR 56860. The interim final

rule provided that the employer's attestation may remain in effect, unless withdrawn or invalidated, through no later than September 30, 1994, the original statutory termination date for the pilot. Public Law 103-416 extended the program. On December 15, 1994, DOL extended existing attestations through June 30, 1995. Analysis of the comments is ongoing. The rule published today extends attestations through July 31, 1995. A final rule is expected to be published shortly. Should that not occur, the interim final rule will be extended again.

Absent today's amendment, all previously valid attestations would expire at the close of June 30, 1995, and no new attestations could be filed. Without the amendment, F-1 students would not have work authorization under this program. New attestations filed after the effective date of today's rule also are valid through July 31, 1995, unless withdrawn or invalidated. Today's rule alleviates hardships for covered students and employers, and the limited extension gives DOL additional opportunity to complete analysis of comments on the interim final rule. For these reasons, DOL for good cause finds a proposed rule is impracticable and contrary to the public interest (5 U.S.C. 553(b)(B)); and finds good cause to make the rule effective immediately (5 U.S.C. 553(d)(3)). The rule is not significant under E. O. 12866. The rule was not preceded by a proposed rule and, thus, is not covered by the Regulatory Flexibility Act. When the interim final rule was published, however, DOL notified the Chief Counsel for Advocacy, Small Business Administration, and made the certification pursuant to 5 U.S.C. 605(b), that the rule did not have a significant economic impact on a substantial number of small entities. The program is not in the *Catalog of Federal Domestic Assistance*.

**List of Subjects**

*20 CFR Part 655*

Administrative practice and procedure, Agriculture, Aliens, Crewmembers, Employment, Enforcement, Forest and forest products, Guam, Health professions, Immigration, Labor, Longshore work, Migrant labor, Nurse, Penalties, Registered nurse, Reporting and recordkeeping requirements, Specialty occupation, Students, Wages.

*20 CFR Part 508*

Administrative practice and procedure, Aliens, Employment, Enforcement, Immigration, Labor,

Penalties, Reporting and recordkeeping requirements, Specialty occupation, Students, Wages.

Text of Joint Interim Final Rule: The text of the joint interim final rule appears below:

1. Section \_\_\_\_900(b)(2)(i) of title is amended by removing the date "June 30, 1995" and adding in lieu thereof the date "July 31, 1995".

2. Section \_\_\_\_900(d) is amended by removing the date "June 30, 1995" and adding in lieu thereof the date "July 31, 1995".

3. Section \_\_\_\_900 is amended by revising paragraph (e), to read as follows:

**§ \_\_\_\_900 Purpose, procedure and applicability of subparts J and K of this part.**

\* \* \* \* \*

(e) *Revalidation of employer attestations in effect on June 30, 1995.* Any employer's attestation which was valid on June 30, 1995, is revalidated effective on June 30, 1995, and shall remain valid through July 31, 1995, unless withdrawn or invalidated.

4. Section \_\_\_\_910(b)(2)(i) is amended by removing the phrase "through June 30, 1995" and adding in lieu thereof the phrase "through July 31, 1995".

5. Section \_\_\_\_910(e) is amended by removing from the first sentence the phrase "expires on June 30, 1995" and adding in lieu thereof the phrase "expires on September 30, 1996"; by removing from the first sentence the phrase "after that date" and adding in lieu thereof the phrase "after July 31, 1995"; and by removing from the penultimate sentence the phrase "prior to June 30, 1995" and adding in lieu thereof the phrase "prior to July 31, 1995".

6. Section \_\_\_\_940(d)(1)(i)(B) is amended by removing the date "June 30, 1995" and adding in lieu thereof the date "July 31, 1995".

7. Section \_\_\_\_940(h)(1) is amended by removing the date "June 30, 1995" and adding in lieu thereof the date "July 31, 1995".

8. Section \_\_\_\_940(h)(3) is amended by removing the date "June 30, 1995" and adding in lieu thereof the date "July 31, 1995".

**Adoption of Joint Interim Final Rule**

The agency-specific adoption of the Joint Interim Final Rule, which appears at the end of the common preamble, appears below:

**TITLE 20—EMPLOYEES' BENEFITS****CHAPTER V—EMPLOYMENT AND TRAINING ADMINISTRATION, DEPARTMENT OF LABOR**

1. Part 655 of chapter V of title 20, Code of Federal Regulations, is amended as follows:

**PART 655—TEMPORARY EMPLOYMENT OF ALIENS IN THE UNITED STATES**

a. The authority citation for part 655 continues to read as follows:

**Authority:** Section 655.0 issued under 8 U.S.C. 1101(a)(15)(H) (i) and (ii), 1182 (m) and (n), 1184, 1188, and 1288(c); 29 U.S.C. 49 *et seq.*; sec. 3(c)(1), Pub. L. 101-238, 103 Stat. 2099, 2103 (8 U.S.C. 1182 note); sec. 221(a), Pub. L. 101-649, 104 Stat. 4978, 5027 (8 U.S.C. 1184 note); and 8 CFR 214.2(h)(4)(i).

Section 665.00 issued under 8 U.S.C. 1101(a)(15)(H)(ii), 1184, and 1188; 29 U.S.C. 49 *et seq.*; and 8 CFR 214.2(h)(4)(i).

Subparts A and C issued under 8 U.S.C. 1101(a)(15)(H)(ii)(b) and 1184; 29 U.S.C. 49 *et seq.*; and 8 CFR 214.2(h)(4)(i).

Subpart B issued under 8 U.S.C. 1101(a)(15)(H)(ii)(a), 1184, and 1188; and 29 U.S.C. 49 *et seq.*

Subparts D and E issued under 8 U.S.C. 1101(a)(15)(H)(i)(a), 1182(m), and 1184; 29 U.S.C. 49 *et seq.*; and sec. 3(c)(1), Pub. L. 101-238, 103 Stat. 2099, 2103 (8 U.S.C. 1182 note).

Subparts F and G issued under 8 U.S.C. 1184 and 1288(c); and 29 U.S.C. 49 *et seq.*

Subparts H and I issued under 8 U.S.C. 1101(a)(15) (H) (i)(b), 1182(n), and 1184; and 29 U.S.C. 49 *et seq.*

Subparts J and K issued under 29 U.S.C. 49 *et seq.*; and sec. 221(a), Pub. L. 101-649, 104 Stat. 4978, 5027 (8 U.S.C. 1184 note).

b. Part 655 is amended as set forth in the Joint Interim Final Rule, which appears at the end of the end of the common preamble.

**TITLE 29—LABOR****CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR**

2. Part 508 of chapter V of title 29, Code of Federal Regulations, is amended as follows:

**PART 508—ATTESTATIONS FILED BY EMPLOYERS UTILIZING F-1 STUDENTS FOR OFF-CAMPUS WORK**

a. The authority citation for part 508 continues to read as follows:

**Authority:** 29 U.S.C. 49 *et seq.*; and sec. 221(a), Pub. L. 101-649, 104 Stat. 4978, 5027 (8 U.S.C. 1184 note).

b. Part 508 is amended as set forth in the Joint Interim Final Rule, which appears at the end of the end of the common preamble.

Signed at Washington, DC, this 27th day of June, 1995.

**Raymond Uhalde,**

*Deputy Assistant Secretary for Employment and Training.*

**Maria Echaveste,**

*Administrator, Wage and Hour Division, Employment Standards Administration.*

[FR Doc. 95-16133 Filed 6-27-95; 12:52 pm]

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Food and Drug Administration****21 CFR Part 176**

[Docket No. 91F-0339]

**Indirect Food Additives: Paper and Paperboard Components**

**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 the safe use of 2-bromo-2-nitro-1,3-propanediol as an antimicrobial/preservative in fillers, pigment slurries, starch sizing solutions, and latex coatings used in the manufacture of paper and paperboard articles intended to contact food. This action responds to a food additive petition filed by Betz Laboratories, Inc.

**DATES:** Effective June 30, 1995; written objections and requests for a hearing by August 29, 1995.

**ADDRESSES:** Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Richard H. White, Center for Food Safety and Applied Nutrition (HFS-216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3094.

**SUPPLEMENTARY INFORMATION:** In a notice published in the *Federal Register* of September 19, 1991 (56 FR 47478), FDA announced that a food additive petition (FAP 1B4279) had been filed by Betz Laboratories, Inc., 4636 Somerton Rd., Trevese, PA 19053. The petition proposed to amend the food additive regulations in § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) to provide for the safe use of 2-bromo-2-nitro-1,3-propanediol as an antimicrobial/preservative in fillers,

binders, pigment slurries, sizings, and coatings used in the manufacture of paper and paperboard articles intended for food-contact use. The petitioner later limited and clarified the requested use of the additive to provide for its safe use as an antimicrobial/preservative in fillers, pigment slurries, starch sizing solutions, and latex coatings used as components of paper and paperboard in contact with aqueous and fatty foods.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the additive is safe and effective for the proposed use and that 21 CFR 176.170 of the food additive regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before July 31, 1995, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any