

Delegates	Scope of authority
<p>a. Deputy Commissioner for Operations.  b. Deputy Commissioner for Programs.  c. Associate Commissioner and Deputy Associate Commissioner for Retirement and Survivors Insurance and Supplemental Security Income Policy.  d. Regional Commissioners and Deputy Regional Commissioners.  e. Assistant Regional Commissioners and Deputy Assistant Regional Commissioners for Program Operations and Systems.  f. District Managers, Assistant District Managers, Branch Managers, Resident Representatives, Operations Supervisors, Claims Representatives, Field Representatives, Service Representatives and Service Representative/Data Review Technicians.  g. Teleservice Representatives in Teleservice Centers.  h. Debt Specialists and Chiefs, Debt Management Sections, Program Service Centers.  i. All positions in the direct line of management above the positions specified in items f., g. and h. above.</p>	<p>a.-i. The incumbents of these positions may exercise authorities 1. and 2. on SSI overpayment cases within the jurisdiction of their respective components, to the extent permitted by their particular functional responsibilities, as specified in their position descriptions or other pertinent issuances.</p>

### Conditions

(1) Further redelegations are not authorized.

(2) These redelegations do not apply to the handling of any debt claim where there is an indication of fraud, the presentation of a false claim, misrepresentation on the part of the debtor or any other party having an interest in the claim, or conduct in violation of antitrust laws. Such cases are handled by DOJ.

(3) Decisions to compromise, suspend or terminate collection efforts on cases involving amounts exceeding \$20,000 up to \$100,000, exclusive of interest, are made by the Commissioner, the Deputy Commissioner for Operations or the Assistant Regional Commissioners for Program Operations and Systems, while those over \$100,000 are made by DOJ.

(4) These redelegations must be exercised in accordance with all pertinent provisions of law, regulations, policies, procedures, operating instructions and other requirements.

The above revised redelegations are effective on the date they are published in the **Federal Register** and replace those previous redelegations approved by the Commissioner on November 29, 1988 and published in the **Federal Register** on December 14, 1988 (53 FR 50300-50301). I affirm and ratify any actions by the above delegates which may constitute the exercise of any of the subject authorities before the date these revised redelegations are published in the **Federal Register**.

**Shirley S. Chater,**

*Commissioner of Social Security.*

[FR Doc. 95-2252 Filed 1-30-95; 8:45 am]

BILLING CODE 4190-29-M

### Published Social Security Acquiescence Rulings

**AGENCY:** Social Security Administration, HHS.

**ACTION:** Notice of published Social Security acquiescence rulings.

**SUMMARY:** Social Security Acquiescence Rulings (ARs) explain the manner in which the Social Security Administration (SSA) applies holdings of the United States Courts of Appeals that conflict with SSA's interpretation of a provision of the Social Security Act (the Act) or regulations when adjudicating claims under title II and title XVI of the Act and part B of the Black Lung Benefits Act. This notice lists ARs and rescissions of ARs that were published in the **Federal Register** from January 11, 1990, through December 31, 1994. The purpose of this notice is to assist individuals in finding ARs.

**FOR FURTHER INFORMATION CONTACT:** Gary Sargent, Litigation Staff, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, (410) 965-1695.

**SUPPLEMENTARY INFORMATION:** Even though we are not required to do so pursuant to 5 U.S.C. 552(a)(1) and (a)(2), SSA's regulations were amended on January 11, 1990, to provide that ARs are to be published in their entirety in the **Federal Register** under authority of the Commissioner of Social Security (20 CFR 422.406(b)(2)). An AR explains how SSA will apply a holding of a United States Court of Appeals that is at variance with SSA's interpretation of the Act or regulations in adjudicating claims under title II and title XVI of the Act and part B of the Black Lung Benefits Act.

Although regulations and ARs are published in the **Federal Register**, only the regulations are subsequently

published in the Code of Federal Regulations (CFR). The CFR is a codification of the general and permanent rules published in the **Federal Register** by the Executive departments and agencies of the Federal Government. Consequently, the CFR may not state the circuitwide standard in effect when we have determined that the holding in a decision of a United States Court of Appeals is at variance with our national interpretation. Therefore, we are publishing this listing to assist individuals who need to reference ARs in effect as a result of holdings of the United States Courts of Appeals.

If an AR is later rescinded as obsolete, we will publish a notice in the **Federal Register** to that effect, as provided for in 20 CFR 404.985(e), 410.670(c), or 416.1485(e). If we decide to relitigate an issue covered by an AR, as provided for by 20 CFR 404.985(c), 410.670(c), or 416.1485(c), we will publish a notice in the **Federal Register** stating that we will apply our interpretation and not the standard expressed in the AR, and explain why we have decided to relitigate the issue. In either of these situations, we will include the information in notices of published ARs such as this one.

This notice contains a listing of all ARs published under the requirements of 20 CFR 422.406(b)(2) during the period January 11, 1990, through December 31, 1994. The listing includes the AR number, title, publication date and the **Federal Register** reference number. This notice also lists ARs which were rescinded during this period. We anticipate publishing a notice each year that will list similar information.

(Catalog of Federal Domestic Assistance Programs Nos. 93.802 Social Security-Disability Insurance; 93.803 Social Security-Retirement Insurance; 93.805 Social Security-

Survivors Insurance; 93.806 Special Benefits for Disabled Coal Miners; 93.807 Supplemental Security Income.)

**Walter H. Burton, Jr.**

*Social Security.*

### Published Social Security Acquiescence Rulings

This notice lists ARs published in the **Federal Register** including the period from January 11, 1990, through December 31, 1994. It includes three ARs which were issued earlier, rescinded and replaced by revised ARs under their original AR number. It also includes the outright rescission of four ARs issued during this period, and the outright rescission of four ARs issued earlier. One AR published during this period was revised. Two ARs published during this period required correction. The correction notices are also discussed in this notice. (The parenthetical number that follows each AR number refers to the United States judicial circuit involved.)

### Acquiescence Rulings

AR 86-2R(2) *Rosenberg v. Richardson*, 538 F.2d 487 (2d Cir. 1976); *Capitano v. Secretary of HHS*, 732 F.2d 1066 (2d Cir. 1984)—Entitlement of a Deemed Widow When a Legal Widow is Entitled on the Same Earnings Record—Title II of the Social Security Act.

*Published:* June 25, 1992, at 57 FR 28527.

**Note:** The original AR for the Second Circuit Court of Appeals' holding in *Rosenberg* and *Capitano* (AR 86-2(2)), issued January 23, 1986, was rescinded and replaced by this revised AR.

AR 86-18R(5) *Woodson v. Schweiker*, 656 F.2d 1169 (5th Cir. 1981)—Interpretation of the Deemed Marriage Provision—Title II of the Social Security Act.

*Published:* June 25, 1992, at 57 FR 28529 as AR 860918R(5).

**Note:** The original AR for the Fifth Circuit Court of Appeals' holding in *Woodson* (AR 86-18(5)), issued May 22, 1986, was rescinded and replaced by this revised AR.

AR 86-19R(11) *Woodson v. Schweiker*, 656 F.2d 1169 (5th Cir. 1981)—Interpretation of the Deemed Marriage Provision—Title II of the Social Security Act.

*Published:* June 25, 1992, at 57 FR 28524.

**Note:** The original AR applicable in the Eleventh Circuit for the Fifth Circuit Court of Appeals' holding in *Woodson* (AR 86-19(11)), issued May 22, 1986, was rescinded and replaced by this revised AR.

AR 90-1(9) *Paxton v. Secretary of Health and Human Services*, 856 F.2d 1352 (9th Cir. 1988)—Treatment of a Dependent's Portion of an Augmented

Veterans Benefit Paid Directly To a Veteran—Title XVI of the Social Security Act.

*Published:* July 16, 1990, at 55 FR 28946. Rescinded—See section on Rescissions in this notice.

AR 90-2(2) *Ruppert v. Bowen*, 871 F.2d 1172 (2d Cir. 1989)—Evaluation of a Rental Subsidy as In-Kind Income for Supplemental Security Income (SSI) Benefit Calculation Purposes—Title XVI of the Social Security Act.

*Published:* July 16, 1990, at 55 FR 28947.

AR 90-3(4) *Smith v. Bowen*, 837 F.2d 635 (4th Cir. 1987)—Use of Vocational Expert or Other Vocational Specialist in Determining Whether a Claimant Can Perform Past Relevant Work—Titles II and XVI of the Social Security Act.

*Published:* July 16, 1990, at 55 FR 28949.

AR 90-4(4) *Culbertson v. Secretary of Health and Human Services*, 859 F.2d 319 (4th Cir. 1988); *Young v. Bowen*, 858 F.2d 951 (4th Cir. 1988)—Waiver of Administrative Finality in Proceedings Involving Unrepresented Claimants Who Lack the Mental Competence to Request Administrative Review—Titles II and XVI of the Social Security Act.

*Published:* July 16, 1990, at 55 FR 28943.

AR 90-5(2) *Kier v. Sullivan*, 888 F.2d 244 (2d Cir. 1989), *reh'g denied*, January 22, 1990—Assessment of Residual Functional Capacity in Disabled Widows' Cases—Title II of the Social Security Act.

*Published:* September 18, 1990, at 55 FR 38400. Rescinded—See section on Rescissions in this notice.

AR 90-6(1) *Cassas v. Secretary of Health and Human Services*, 893 F.2d 454 (1st Cir. 1990), *reh'g denied*, April 9, 1990—Assessment of Residual Functional Capacity in Disabled Widows' Cases—Title II of the Social Security Act.

*Published:* September 18, 1990, at 55 FR 38398. Rescinded—See section on Rescissions in this notice.

AR 90-7(9) *Ruff v. Sullivan*, 907 F.2d 915 (9th Cir. 1990)—Assessment of Residual Functional Capacity in Disabled Widows' Cases—Title II of the Social Security Act.

*Published:* September 18, 1990, at 55 FR 38402. Rescinded—See section on Rescissions in this notice.

AR 91-1(5) *Lidy v. Sullivan*, 911 F.2d 1075 (5th Cir. 1990)—Right to Subpoena an Examining Physician for Cross-examination Purposes—Titles II and XVI of the Social Security Act.

*Published:* December 31, 1991, at 56 FR 67625 as AR 91-X(5).

*Correction Notice Published:* May 1, 1992, at 57 FR 18899—AR number changed to 91-1(5).

AR 92-1(3) *Mazza v. Secretary of Health and Human Services*, 903 F.2d 953 (3d Cir. 1990)—Order of Effectuation in Concurrent Application Cases (Title II/Title XVI).

*Published:* January 10, 1992, at 57 FR 1190 as AR 91-X(3).

*Correction Notice Published:* May 1, 1992, at 57 FR 18899—AR number changed to 92-1(3).

AR 92-2(6) *Difford v. Secretary of Health and Human Services*, 910 F.2d 1316 (6th Cir. 1990), *reh'g denied*, February 7, 1991—Scope of Review on Appeal in a Medical Cessation of Disability Case—Title II of the Social Security Act.

*Published:* March 17, 1992, at 57 FR 9262.

AR 92-3(4) *Branham v. Heckler*, 775 F.2d 1271 (4th Cir. 1985); *Flowers v. U.S. Department of Health and Human Services*, 904 F.2d 211 (4th Cir. 1990)—What Constitutes a Significant Work-Related Limitation of Function.

*Published:* March 10, 1992, at 57 FR 8463.

AR 92-4(11) *Bloodsworth v. Heckler*, 703 F.2d 1233 (11th Cir. 1983)—Judicial Review of an Appeals Council Dismissal of a Request for Review of an Administrative Law Judge (ALJ) Decision.

*Published:* April 8, 1992, at 57 FR 11961.

AR 92-5(9) *Quinlivan v. Sullivan*, 916 F.2d 524 (9th Cir. 1990)—Meaning of the Term "Against Equity and Good Conscience" in the Rules for Waiver of Recovery of an Overpayment—Titles II and XVI of the Social Security Act; Title IV of the Federal Mine Safety and Health Act of 1977.

*Published:* June 22, 1992, at 57 FR 27783.

AR 92-6(10) *Walker v. Secretary of Health and Human Services*, 943 F.2d 1257 (10th Cir. 1991)—Entitlement to Trial Work Period Before Approval of an Award for Benefits and Before 12 Months Have Elapsed Since Onset of Disability—Titles II and XVI of the Social Security Act.

*Published:* September 17, 1992, at 57 FR 43007.

AR 92-7(9) *Gonzalez v. Sullivan*, 914 F.2d 1197 (9th Cir. 1990)—Effect of Initial Determination Notice Language on the Application of Administrative Finality—Titles II and XVI of the Social Security Act.

*Published:* September 30, 1992, at 57 FR 45061.

AR 93-1(4) *Branham v. Heckler*, 775 F.2d 1271 (4th Cir. 1985); *Flowers v. U.S. Department of Health and Human Services*, 904 F.2d 211 (4th Cir. 1990)—What Constitutes a Significant Work-Related Limitation of Function.  
*Published*: April 29, 1993, at 58 FR 25996.

**Note**: The original AR for the Fourth Circuit Court of Appeals' holding in *Branham* and *Flowers* (AR 92-3(4)), issued March 10, 1992, was revised to reflect a regulatory change regarding the IQ Listing range. There were no other substantive changes to this AR.

AR 93-2(2) *Conley v. Bowen*, 859 F.2d 261 (2d Cir. 1988)—Determination of Whether an Individual With a Disabling Impairment Has Engaged in Substantial Gainful Activity Following a Reentitlement Period—Title II of the Social Security Act.

*Published*: May 17, 1993, at 58 FR 28887.

AR 93-3(6) *Akers v. Secretary of Health and Human Services*, 966 F.2d 205 (6th Cir. 1992)—Attorney's Fees Based in Part on Continued Benefits Paid to Social Security Claimants—Title II of the Social Security Act.

*Published*: July 29, 1993, at 58 FR 40662.

AR 93-4(2) *Condon and Brodner v. Bowen*, 853 F.2d 66 (2d Cir. 1988)—Attorney's Fees Based in Part on Continued Benefits Paid to Social Security Claimants—Title II of the Social Security Act.

*Published*: July 29, 1993, at 58 FR 40663.

AR 93-5(11) *Shoemaker v. Bowen*, 853 F.2d 858 (11th Cir. 1988)—Attorney's Fees Based in Part on Continued Benefits Paid to Social Security Claimants—Title II of the Social Security Act.

*Published*: July 29, 1993, at 58 FR 40665.

AR 93-6(8) *Brewster on Behalf of Keller v. Sullivan*, 972 F.2d 898 (8th Cir. 1992)—Interpretation of the Secretary's Regulation Regarding Presumption of Death—Title II of the Social Security Act.

*Published*: August 16, 1993, at 58 FR 43369.

AR 94-1(10) *Wolfe v. Sullivan*, 988 F.2d 1025 (10th Cir. 1993)—Contributions To Support re: Posthumous Illegitimate Child—Title II of the Social Security Act.

*Published*: June 27, 1994, at 59 FR 33003.

AR 94-2(4) *Lively v. Secretary of Health and Human Services*, 820 F.2d 1391 (4th Cir. 1987)—Effect of Prior Disability Findings on Adjudication of a

Subsequent Disability Claim Arising Under the Same Title of the Social Security Act—Titles II and XVI of the Social Security Act.

*Published*: July 7, 1994, at 59 FR 34849.

#### Rescissions Without Replacement ARs

AR 86-1(9) *Summy v. Schweiker*, 688 F.2d 1233 (9th Cir. 1982)—Third party payments for medical care or services—Title XVI of the Social Security Act.

*Notice of Rescission Published*: July 5, 1994, at 59 FR 34444.

AR 87-5(3) *Velazquez v. Heckler*, 802 F.2d 680 (3d Cir. 1986)—Consideration of Vocational Factors in Past Work Determinations.

*Notice of Rescission Published*: July 16, 1990, at 55 FR 28943.

AR 88-5(1) *McCuin v. Secretary of Health and Human Services*, 817 F.2d 161 (1st Cir. 1987)—Reopening by the Appeals Council of Decisions of Administrative Law Judges under Titles II and XVI of the Social Security Act.

*Notice of Rescission Published*: February 23, 1994, at 59 FR 8650.

AR 88-7(5) *Hickman v. Bowen*, 803 F.2d 1377 (5th Cir. 1986)—Evaluation of Loans of In-Kind Support and Maintenance for Supplemental Security Income Benefit Calculation Purposes.

*Notice of Rescission Published*: September 8, 1992, at 57 FR 40918.

AR 90-1(9) *Paxton v. Secretary of Health and Human Services*, 856 F.2d 1352 (9th Cir. 1988)—Treatment of a Dependent's Portion of an Augmented Veterans Benefit Paid Directly To a Veteran—Title XVI of the Social Security Act.

*Notice of Rescission Published*: November 17, 1994, at 59 FR 59416.

AR 90-5(2) *Kier v. Sullivan*, 888 F.2d 244 (2d Cir. 1989), *reh'g denied*, January 22, 1990—Assessment of Residual Functional Capacity in Disabled Widows' Cases—Title II of the Social Security Act.

*Notice of Rescission Published*: May 22, 1991, at 56 FR 23592.

AR 90-6(1) *Cassas v. Secretary of Health and Human Services*, 893 F.2d 454 (1st Cir. 1990), *reh'g denied*, April 9, 1990—Assessment of Residual Functional Capacity in Disabled Widows' Cases—Title II of the Social Security Act.

*Notice of Rescission Published*: May 22, 1991, at 56 FR 23591.

AR 90-7(9) *Ruff v. Sullivan*, 907 F.2d 915 (9th Cir. 1990)—Assessment of Residual Functional Capacity in Disabled Widows' Cases—Title II of the Social Security Act.

*Notice of Rescission Published*: May 22, 1991, at 56 FR 23592.

[FR Doc. 95-2269 Filed 1-30-95; 8:45 am]

BILLING CODE 4190-29-F

#### DEPARTMENT OF THE INTERIOR

##### Bureau of Land Management

[ES-960-047073; ES-960-9800-02, Group 26, Missouri]

##### Notice of Filing of Plat of Dependent Resurvey and Subdivision of Sections

The plat of the dependent resurvey of a portion of the north boundary (Standard Parallel North); the west boundary and subdivisional lines, and the subdivision of certain sections, Township 34 North, Range 3 West, Fifth Principal Meridian, Missouri, will be officially filed in Eastern States, Springfield, Virginia at 7:30 a.m., on March 20, 1995.

The survey was made upon request submitted by the United States Forest Service.

All inquiries or protests concerning the technical aspects of the survey must be sent to the Chief Cadastral Surveyor for Cadastral Survey, Eastern States, Bureau of Land Management, 7450 Boston Boulevard, Springfield, Virginia 22153, prior to 7:30 a.m., March 20, 1995.

Copies of the plat will be made available upon request and prepayment of the reproduction fee of \$2.75 per copy.

Dated: January 23, 1995.

**Stephen G. Kopach,**

Chief Cadastral Surveyor.

[FR Doc. 95-2254 Filed 1-30-95; 8:45 am]

BILLING CODE 4310-GJ-M

#### Fish and Wildlife Service

##### Endangered and Threatened Species Permit Applications

**AGENCY:** Fish and Wildlife, Interior.

**ACTION:** Notice of receipt of applications.

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*).

##### Permit No. PRT-787371

*Applicant:* Coastal Resources Institute, California Polytechnic State University, San Luis Obispo, California