

Proving Ground, IN. As a result of the annual restricted area review, the Department of the Army has determined there is no longer an appropriate mission for R-3403C. This area is completed contained within the lateral and vertical boundaries of R-3403A. This action returns use of this airspace for civil aviation activities when R-3403A is inactive. Additionally, this action amends the legal description of R-3403A by removing reference to R-3403C. I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary because this action is a minor technical amendment in which the public is not particularly interested. Section 73.34 of part 73 of the Federal Aviation Regulations was republished in FAA Order 7400.8B dated March 9, 1994.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This action removes special use airspace. This action is not subject to environmental assessments and procedures in accordance with FAA Order 1050.1D, “Policies and Procedures for Considering Environmental Impacts” and the National Environmental Policy Act of 1969 (NEPA).

List of Subjects in 14 CFR Part 73

Airspace, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 73.34 [Amended]

2. Section 73.34 is amended as follows:

R-3403A Jefferson Proving Ground, IN [Amended]

By removing, under boundaries, the words “excluding that airspace designated as R-3403C when activated.”

R-3403C Jefferson Proving Ground, IN [Removed]

Issued in Washington, DC, on August 14, 1995.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 95-20840 Filed 8-22-95; 8:45 am]

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SOCIAL SECURITY ADMINISTRATION

20 CFR Part 404

[Regulations No. 4]

RIN 0960-AE19

Federal Old-Age, Survivors and Disability Insurance; Determining Disability and Blindness; Extension of Expiration Date for Adult Mental Disorders Listings

AGENCY: Social Security Administration.
ACTION: Final rule.

SUMMARY: The Social Security Administration (SSA) issues listings of impairments to evaluate disability and blindness under the Social Security and supplemental security income (SSI) programs. This rule extends the expiration date for the adult mental disorders listings and makes two nonsubstantive technical changes described below. We have made no revisions to the medical criteria in the listings; they remain the same as they now appear in the Code of Federal Regulations. This extension will ensure that we continue to have medical evaluation criteria in the listings to adjudicate claims for disability based on mental impairments at step three of our sequential evaluation process.

EFFECTIVE DATE: This regulation is effective August 23, 1995.

FOR FURTHER INFORMATION CONTACT:

Regarding this **Federal Register** document—Richard M. Bresnick, Legal Assistant, Division of Regulations and Rulings, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965-1758; regarding eligibility or filing for benefits—our national toll-free number, 1-800-772-1213.

SUPPLEMENTARY INFORMATION: On August 28, 1985, we published revised adult

mental disorders listings (50 FR 35038) in part A of appendix 1 (Listing of Impairments) to subpart P of part 404. We use the listings to evaluate disability and blindness at the third step of the sequential evaluation process for adults and children under the Social Security and SSI programs. The listings describe impairments considered severe enough to prevent a person from doing any gainful activity, or, for an individual under age 18 applying for SSI benefits based on disability, from functioning independently, appropriately, and effectively in an age-appropriate manner. We use the criteria in part A mainly to evaluate impairments of adults. We use the criteria in part B first to evaluate impairments of individuals under age 18. If those criteria do not apply, we may use the criteria in part A.

When we published the revised adult mental disorders listings in August 1985, we indicated that medical advances in disability evaluation and treatment and program experience would require that the listings be periodically reviewed and updated. Accordingly, we established a date of August 28, 1988, on which the listings would no longer be effective unless extended by the Secretary of Health and Human Services (the Secretary) or revised and promulgated again. Under the Social Security Independence and Program Improvements Act of 1994, Public Law (Pub. L.) 103-296, this authority was transferred to the Commissioner of Social Security (the Commissioner).

Subsequently, we issued a number of final rules extending the expiration date of the adult mental disorders listings. The last was published on August 16, 1994 (59 FR 41974) and provided that the listings for adult mental disorders would no longer be effective on August 28, 1995. Also, on July 18, 1991, we published a notice of proposed rulemaking (NPRM) (56 FR 33130) that included proposed revisions to those listings. We will publish any changes to the listings based on that NPRM in a subsequent final rule.

In this final regulation, we are extending for two years, to August 28, 1997, the date on which the adult mental disorders listings will no longer be effective. We believe that the requirements in these listings are still valid for our program purposes. Specifically, if we find that an individual has an impairment that meets the statutory duration requirement and also meets or is equivalent in severity to an impairment in the listings, we will find that the individual is disabled without completing the remaining steps of the

sequential evaluation process. We do not use the listings to find that an individual is not disabled. Individuals whose impairments do not meet or equal the criteria of the listings receive individualized assessments at the subsequent steps of the sequential evaluation process.

Also, in the introductory text of the Listing of Impairments, we are changing the reference from the Secretary to the Commissioner. This change reflects the transfer of functions which took place, effective March 31, 1995, pursuant to Public Law 103-296, which made SSA an independent agency, separate from the Department of Health and Human Services.

Further, in the list of dates on which the various body system listings will no longer be effective, we are revising the format of item 5, Cardiovascular System, to be consistent with the rest of the list. We are not changing the date in the entry, only the format. The current entry was in the revised cardiovascular system listings published on February 10, 1994 (59 FR 6468).

Regulatory Procedures

Pursuant to section 702(a)(5) of the Social Security Act, 42 U.S.C. 902(5)(a), 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 on the basis that 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 dispensing with the notice and public comment procedures in this case. Good cause exists because this regulation only extends the date on which the adult mental disorders listings will no longer be effective and makes minor technical changes to the introductory text of the listings. It makes no substantive changes to the listings. The current regulations expressly provide that the listings may be extended, as well as revised and promulgated again. Therefore, opportunity for prior comment is unnecessary, and we are issuing these changes to our regulations as a final rule.

In addition, we find good cause for dispensing with the 30-day delay in the effective date of a substantive rule, provided for by 5 U.S.C. 553(d). As explained above, we are not making any substantive changes in the listings. However, without an extension of the expiration date for the adult mental

disorders listings, we will lack regulatory guidelines for assessing mental impairments at the third step of the sequential evaluation processes after the current expiration date of the listings. In order to ensure that we continue to have regulatory criteria for assessing these impairments under the listings, we find that it is in the public interest to make this rule effective upon publication.

Executive Order 12866

We have consulted with the Office of Management and Budget (OMB) and determined that this rule does not meet the criteria for a significant regulatory action under Executive Order 12866. Thus, it was not subject to OMB review.

Regulatory Flexibility Act

We certify that this regulation will not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis as provided in Public Law 96-354, the Regulatory Flexibility Act, is not required.

Paperwork Reduction Act

This regulation imposes no reporting/recordkeeping requirements necessitating clearance by OMB.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security-Disability Insurance; 96.002, Social Security-Retirement Insurance; 96.004, Social Security-Survivors Insurance; 96.006, Supplemental Security Income)

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: July 27, 1995.

Shirley Chater,

Commissioner of Social Security.

For the reasons set forth in the preamble, part 404, subpart P, chapter III of title 20 of the Code of Federal Regulations is amended as set forth below.

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

1. The authority citation for subpart P of part 404 is revised to read as follows:

Authority: Secs. 202, 205(a), (b), and (d) through (h), 216(i), 221(a) and (i), 222(c), 223, 225, and 702(a)(5) of the Social Security Act (42 U.S.C. 402, 405(a), (b), and (d) through (h), 416(i), 421(a) and (i), 422(c), 423, 425, and 902(a)(5)).

2. Appendix 1 to subpart P of part 404 is amended by revising the first

sentence and items 5 and 13 of the introductory text before part A to read as follows:

Appendix 1 to Subpart P—Listing of Impairments

The body system listings in parts A and B of the Listing of Impairments will no longer be effective on the following dates unless extended by the Commissioner or revised and promulgated again.

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5. Cardiovascular System (4.00 and 104.00): February 10, 1998.

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13. Mental Disorders (12.00): August 28, 1997.

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3. Part A of appendix 1 to subpart P of part 404 is amended by revising the first paragraph of 12.00 to read as follows:

12.00 Mental Disorders

The mental disorders listings in 12.00 of the Listing of Impairments will no longer be effective on August 28, 1997, unless extended by the Commissioner or revised and promulgated again.

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[FR Doc. 95-20869 Filed 8-22-95; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[WA39-1-7028a; FRL-5268-3]

Approval and Promulgation of Implementation Plan for Vehicle Miles Traveled Forecasting and Tracking: Puget Sound, Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA approves the State Implementation Plan (SIP) revision submitted by the State of Washington for the purpose of forecasting and tracking vehicle miles traveled (VMT) for the Puget Sound Carbon Monoxide (CO) Nonattainment Area, Washington. On January 28, 1993, Washington State submitted a SIP revision for the Puget Sound Carbon Monoxide (CO) Nonattainment Area to satisfy the requirements of Section 187(a)(2)(A) and Section 187(a)(3) of the Clean Air Act Amendments of 1990 (CAAA). Section 187(a)(2)(A) requires Moderate and Serious carbon monoxide (CO) non-attainment areas with a design value above 12.7 to submit a SIP revision that contains a forecast of VMT in the non-attainment area for each year before the year in which the SIP projects the