

**(l) Parts Installation Limitations**

(1) As of the effective date of this AD, no person may install, on any airplane, an HSTA attachment pin, unless the pin has a serial number.

(2) As of the effective date of this AD, no person may install, on any Bombardier, Inc., Model CL-600-2B16 (604 Variant) airplane with serial number 5301 and subsequent, an HSTA trunnion, unless the HSTA trunnion has a serial number.

**(m) Other FAA AD Provisions**

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7300; fax 516-794-5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer*: For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or TCCA; or Bombardier, Inc.'s TCCA DAO. If approved by the DAO, the approval must include the DAO-authorized signature.

**(n) Related Information**

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian AD CF-2017-24, dated July 12, 2017, for related information. This MCAI may be found in the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2018-0028.

(2) For more information about this AD, contact Aziz Ahmed, Aerospace Engineer, Airframe and Mechanical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7239; fax 516-794-5531; email [9-avs-nyaco-cos@faa.gov](mailto:9-avs-nyaco-cos@faa.gov).

(3) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (o)(3) and (o)(4) of this AD.

**(o) Material Incorporated by Reference**

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) Bombardier Repair Engineering Order (REO) 600-27-42-002, "General Repair—HSTA Upper and Lower Pins," dated December 15, 2016.

(ii) Bombardier Repair Engineering Order (REO) 604-27-42-011, "General Repair—HSTA Trunnion P/N 601R92386-1/-3," dated December 15, 2016.

(iii) Bombardier Repair Engineering Order (REO) 604-27-42-012, "General Repair—HSTA Upper and Lower Pins," dated December 15, 2016.

(iv) Bombardier Service Bulletin 600-0760, Revision 01, dated April 21, 2017.

(v) Bombardier Service Bulletin 601-0626, Revision 01, dated April 21, 2017.

(vi) Bombardier Service Bulletin 604-27-034, Revision 01, dated April 21, 2017.

(vii) Bombardier Service Bulletin 605-27-005, Revision 01, dated April 21, 2017.

(viii) Section 5-10-10, "Time Limits (Structural)," of Section 5-10-00, "Airworthiness Limitations," of Bombardier Challenger 600 Time Limits/Maintenance Checks, Publication No. PSP 605, Revision 39, dated January 8, 2018.

(ix) Section 5-10-00, "Airworthiness Limitations," of Bombardier Challenger 601 Time Limits/Maintenance Checks, Publication No. PSP 601-5, Revision 46, dated January 8, 2018.

(A) Section 5-10-10, "Time Limits (Structural)—Pre SB 601-0280."

(B) Section 5-10-11, "Time Limits (Structural)—Post SB 601-0280."

(C) Section 5-10-12, "Time Limits (Structural)—Post SB 601-0360."

(x) Section 5-10-00, "Airworthiness Limitations," of Bombardier Challenger 601 Time Limits/Maintenance Checks, Publication No. PSP 601A-5, Revision 42, dated January 8, 2018.

(A) Section 5-10-10, "Time Limits (Structural)."

(B) Section 5-10-11, "Time Limits (Structural)."

(C) Section 5-10-12, "Time Limits (Structural)."

(xi) Section 5-10-10, "Life Limits (Structures)," of Bombardier Challenger 604 CL-604 Time Limits/Maintenance Checks, Part 2 Airworthiness Limitations, Revision 30, dated December 4, 2017.

(xii) Section 5-10-10, "Life Limits (Structures)," of Bombardier Challenger 605 CL-605 Time Limits/Maintenance Checks, Part 2 Airworthiness Limitations, Revision 18, dated December 4, 2017.

(xiii) Section 5-10-10, "Life Limits (Structures)," of Bombardier Challenger 650 CL-650 Time Limits/Maintenance Checks, Part 2 Airworthiness Limitations, Revision 5, dated December 4, 2017.

(3) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; Widebody Customer Response Center North America toll-free telephone 1-866-538-1247 or direct-dial telephone 1-514-855-2999; fax 514-855-7401; email [ac.yul@aero.bombardier.com](mailto:ac.yul@aero.bombardier.com); internet <http://www.bombardier.com>.

(4) You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

(5) You may view this service information that is incorporated by reference at the National Archives and Records

Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Des Moines, Washington, on August 5, 2018.

**Michael Kaszycki,**

*Acting Director, System Oversight Division, Aircraft Certification Service.*

[FR Doc. 2018-17483 Filed 8-14-18; 8:45 am]

**BILLING CODE 4910-13-P**

**SOCIAL SECURITY ADMINISTRATION****20 CFR Parts 404 and 416**

[Docket No. SSA-2018-0033]

RIN 0960-AI23

**Making Permanent the Attorney Advisor Program**

**AGENCY:** Social Security Administration.

**ACTION:** Final rule.

**SUMMARY:** We are making permanent the attorney advisor program, which has proved to be an integral tool in providing timely decisions to the public while maximizing the use of our administrative law judges (ALJs). The attorney advisor initiative permits some attorney advisors to develop claims, including holding prehearing conferences, and, in cases in which the documentary record clearly establishes that a fully favorable decision is warranted, issue fully favorable decisions before a hearing is conducted. We expect that by making the attorney advisor program permanent, we will be able to continue to reduce the number of pending claims at the hearing level of our administrative review process and provide more timely service to claimants.

**DATES:** This final rule is effective August 15, 2018.

**FOR FURTHER INFORMATION CONTACT:**

Susan Swansiger, Office of Hearings Operations, Social Security Administration, 5107 Leesburg Pike, Falls Church, VA 22041, (703) 605-8500. For information on eligibility or filing for benefits, call our national toll-free number, 800-772-1213 or TTY 800-325-0778, or visit our internet site, Social Security Online, at <http://www.socialsecurity.gov>.

**SUPPLEMENTARY INFORMATION:****Background of the Attorney Advisor Program**

Under the attorney advisor program, certain attorney advisors may develop claims and, in appropriate cases, issue

fully favorable decisions before a hearing.

We first created the attorney advisor program in 1995 through notice and comment rulemaking for a limited period of two years.<sup>1</sup> The program's success prompted us to renew it several times until it expired in April 2001.<sup>2</sup> On August 9, 2007, we published an interim final rule that reinstated the attorney advisor program in order to provide more timely service to the increasing number of applicants for Social Security disability benefits and Supplemental Security Income payments based on disability.<sup>3</sup> We considered the public comments we received on the interim final rule, and on March 3, 2008, we issued a final rule without change.<sup>4</sup>

As before, we intended the attorney advisor program to be a temporary modification to our procedures, but with the potential to become a permanent program. Therefore, we included in sections 404.942(g) and 416.1442(g) of the interim final rule a provision that the program would end on August 10, 2009, unless we decided to either terminate the rule earlier or extend it beyond that date by publication of a final rule in the **Federal Register**. Since that time, we have periodically extended the sunset date.<sup>5</sup> The current sunset date for the program is August 2, 2019.<sup>6</sup>

We explained in the 2008 final rule that the number of requests for hearings had increased significantly in recent years. From 2008 to the present, the number of pending hearing requests has continued to remain high, and we anticipate that we will receive several hundred thousand hearing requests in fiscal year 2018 and in fiscal year 2019.<sup>7</sup> To preserve the maximum degree of flexibility and manage our hearings-level workloads effectively, we have

decided to make the attorney advisor rule permanent.

### Time Savings and Other Benefits of Making the Program Permanent

Under the attorney advisor program, attorney advisors conduct certain prehearing proceedings and, when the record clearly establishes that a fully favorable decision is warranted, may issue a fully favorable decision before an ALJ holds a hearing. Thus, the attorney advisor program allows us to issue fully favorable decisions more quickly in appropriate cases, which, in turn, allows claimants to receive disability benefits under title II or disability payments under title XVI months, or perhaps even a year, earlier than if they had to wait for a hearing before an ALJ. As well, since attorney advisors may issue fully favorable decisions in cases that would otherwise require an ALJ to hold a hearing and issue a decision, the program allows ALJs to spend their time adjudicating more complex cases.

As an added benefit of the program, even if an attorney advisor cannot issue a fully favorable decision after conducting prehearing proceedings, the summary the attorney advisor drafts during his or her review can be valuable to the ALJ, helping to expedite the hearing process. Moreover, prehearing proceedings by an attorney advisor do not delay the scheduling of a hearing unless a fully favorable decision is in process. Thus, if the attorney advisor is unable to issue a fully favorable decision after conducting prehearing proceedings, the case returns to its original place in line and continues under our standard hearing process, with no delays caused by the attorney advisor's review. For these reasons, making the attorney advisor program permanent benefits claimants by giving them a chance to receive a fully favorable decision more quickly and by expediting the overall hearings process, and it benefits ALJs and their support staff by allowing them to receive helpful case summaries from attorney advisors who assist with developing the record in cases that are selected for prehearing proceedings but that still require a hearing before an ALJ.

### Regulatory Procedures

#### *Justification for Issuing a Final Rule Without Notice and Comment*

We follow the Administrative Procedure Act (APA) rulemaking procedures specified in 5 U.S.C. 553 when we develop regulations. Generally, the APA requires that an agency provide prior notice and

opportunity for public comment before issuing a final rule. The APA provides exceptions to its notice and public comment procedures when an agency finds there is good cause for dispensing with such procedures because they are impracticable, unnecessary, or contrary to the public interest.

We find that there is good cause under 5 U.S.C. 553(b)(B) to issue this regulatory change as a final rule without prior public comment. We find that prior public comment is unnecessary because this final rule merely removes the sunset provision of 20 CFR 404.942 and 416.1442 and does *not* make any substantive changes to the attorney advisor program. Importantly, we developed the attorney advisor program through notice and comment rulemaking in 1995, and we requested public comments again when we reinstated the program, without change, in 2007. We received only three public comments in response to our 2007 interim final rule, and two of them supported the rule. The current rules expressly provide that we may extend the program beyond the current expiration date by notice of a final rule in the **Federal Register**. Accordingly, in light of the technical nature of the rule, and because we requested and addressed public comments on the attorney advisor program on two prior occasions, we find there is good cause to issue this final rule without prior public comment.

In addition, because we are not making any substantive changes to the attorney advisor program, we find that there is good cause for dispensing with the 30-day delay in the effective date of a substantive rule provided by 5 U.S.C. 553(d)(3). To ensure that we have uninterrupted authority to use attorney advisors to address the number of pending cases at the hearing level, we find that it is in the public interest to make this final rule effective on the date of publication.

#### *Executive Order 12866 as Supplemented by Executive Order 13563*

We consulted with the Office of Management and Budget (OMB) and determined that this final rule meets the requirements for a significant regulatory action under Executive Order (E.O.) 12866, as supplemented by E.O. 13563. Therefore, OMB has reviewed this final rule.

#### *Executive Order 13771*

This rule is not subject to the requirements of Executive Order 13771 because it is administrative in nature

<sup>1</sup> 60 FR 34126 (June 30, 1995).

<sup>2</sup> 62 FR 35073 (extending expiration date to June 30, 1998); 63 FR 35515 (extending expiration date to April 1, 1999); 64 FR 13677 (extending expiration date to April 1, 2000); 64 FR 51892 (extending expiration date to April 2, 2001).

<sup>3</sup> 72 FR 44763.

<sup>4</sup> 73 FR 11349.

<sup>5</sup> 74 FR 33327 (extending the expiration date to August 10, 2011); 76 FR 18383 (extending the expiration date to August 9, 2013); 78 FR 45459 (extending the expiration date to August 7, 2015); 80 FR 31990 (extending the expiration date to August 4, 2017); 82 FR 34400 (extending the expiration date to February 5, 2018); and 83 FR 711 (extending the expiration date to August 3, 2018).

<sup>6</sup> 83 FR 28992 (extending the expiration date to August 2, 2019).

<sup>7</sup> Our budget estimates indicate that we expect to receive approximately 582,000 hearing requests in fiscal year 2018 and 578,000 in fiscal year 2019 (available at: <https://www.ssa.gov/budget/FY19Files/2019CJ.pdf>).

and results in no more than de minimis costs.

#### *Regulatory Flexibility Act*

We certify that this final rule will not have a significant economic impact on a substantial number of small entities because it affects individuals only. Therefore, the Regulatory Flexibility Act, as amended, does not require us to prepare a regulatory flexibility analysis.

#### *Paperwork Reduction Act*

These rules do not create any new or affect any existing collections and, therefore, do not require Office of Management and Budget approval under the Paperwork Reduction Act.

(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

##### *20 CFR Part 404*

Administrative practice and procedure; Blind; Disability benefits; Old-age, Survivors and Disability Insurance; Reporting and recordkeeping requirements; Social security.

##### *20 CFR Part 416*

Administrative practice and procedure; Reporting and recordkeeping requirements; Supplemental Security Income (SSI).

**Nancy A. Berryhill,**

*Acting Commissioner of Social Security.*

For the reasons stated in the preamble, we are amending subpart J of part 404 and subpart N of part 416 of Chapter III of title 20 of the Code of Federal Regulations as set forth below:

#### **PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE**

(1950– )

##### **Subpart J—[Amended]**

■ 1. The authority citation for subpart J of part 404 continues to read as follows:

**Authority:** Secs. 201(j), 204(f), 205(a)–(b), (d)–(h), and (j), 221, 223(i), 225, and 702(a)(5) of the Social Security Act (42 U.S.C. 401(j), 404(f), 405(a)–(b), (d)–(h), and (j), 421, 423(i), 425, and 902(a)(5)); sec. 5, Pub. L. 97–455, 96 Stat. 2500 (42 U.S.C. 405 note); secs. 5, 6(c)–(e), and 15, Pub. L. 98–460, 98 Stat. 1802 (42 U.S.C. 421 note); sec. 202, Pub. L. 108–203, 118 Stat. 509 (42 U.S.C. 902 note).

##### **§ 404.942 [Amended]**

■ 2. In § 404.942, remove paragraph (g).

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

##### **Subpart N—[Amended]**

■ 3. The authority citation for subpart N continues to read as follows:

**Authority:** Secs. 702(a)(5), 1631, and 1633 of the Social Security Act (42 U.S.C. 902(a)(5), 1383, and 1383b); sec. 202, Pub. L. 108–203, 118 Stat. 509 (42 U.S.C. 902 note).

##### **§ 416.1442 [Amended]**

■ 4. In § 416.1442, remove paragraph (g).

[FR Doc. 2018–17547 Filed 8–14–18; 8:45 am]

**BILLING CODE 4191–02–P**

#### **PENSION BENEFIT GUARANTY CORPORATION**

##### **29 CFR Part 4022**

#### **Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits**

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends the Pension Benefit Guaranty Corporation's regulation on Benefits Payable in Terminated Single-Employer Plans to prescribe interest assumptions under the regulation for valuation dates in September 2018. The interest assumptions are used for paying benefits under terminating single-employer plans covered by the pension insurance system administered by PBGC.

**DATES:** Effective September 1, 2018.

**FOR FURTHER INFORMATION CONTACT:** Hilary Duke ([duke.hilary@pbgc.gov](mailto:duke.hilary@pbgc.gov)), Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington, DC 20005, 202–326–4400 ext. 3839. (TTY users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4400, ext. 3839.)

**SUPPLEMENTARY INFORMATION:** PBGC's regulation on Benefits Payable in Terminated Single-Employer Plans (29 CFR part 4022) prescribes actuarial assumptions—including interest assumptions—for paying plan benefits under terminated single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. The interest assumptions in the regulation are also published on PBGC's website (<http://www.pbgc.gov>).

PBGC uses the interest assumptions in appendix B to part 4022 to determine whether a benefit is payable as a lump sum and to determine the amount to pay. Appendix C to part 4022 contains interest assumptions for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using PBGC's historical methodology. Currently, the rates in appendices B and C of the benefit payment regulation are the same.

The interest assumptions are intended to reflect current conditions in the financial and annuity markets. Assumptions under the benefit payments regulation are updated monthly. This final rule updates the benefit payments interest assumptions for September 2018.<sup>1</sup>

The September 2018 interest assumptions under the benefit payments regulation will be 1.25 percent for the period during which a benefit is in pay status and 4.00 percent during any years preceding the benefit's placement in pay status. In comparison with the interest assumptions in effect for August 2018, these assumptions represent no change in the immediate rate and are otherwise unchanged.

PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect current market conditions as accurately as possible.

Because of the need to provide immediate guidance for the payment of benefits under plans with valuation dates during September 2018, PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

PBGC has determined that this action is not a "significant regulatory action" under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

##### **List of Subjects in 29 CFR Part 4022**

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

<sup>1</sup> Appendix B to PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044) prescribes interest assumptions for valuing benefits under terminating covered single-employer plans for purposes of allocation of assets under ERISA section 4044. Those assumptions are updated quarterly.