

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

Special Flight Permits

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(d) The installation shall be done in accordance with Bombardier Service Bulletin 601R-27-104, dated October 15, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Bombardier Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centre-ville, Montreal, Quebec H3C 3G9, Canada. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in Canadian airworthiness directive CF-2000-28, dated August 28, 2000.

(e) This amendment becomes effective on October 2, 2000.

Issued in Renton, Washington, on September 22, 2000.

Donald L. Riffin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00-24893 Filed 9-25-00; 1:14 pm]

BILLING CODE 4910-13-U

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 404

[Regulations No. 4]

RIN 0960-AF42

Extension of Expiration Date for the Respiratory Body System Listings

AGENCY: Social Security Administration (SSA).

ACTION: Final rule.

SUMMARY: We adjudicate claims at the third step of our sequential evaluation process for evaluating disability using the Listing of Impairments (the Listings) under the Social Security and Supplemental Security Income (SSI) programs. This final rule extends until July 2, 2002, the date on which the respiratory body system listings will no longer be effective. We have made no revisions to the medical criteria in these 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 impairments in the respiratory body system at step three of our sequential evaluation process.

EFFECTIVE DATE: This final regulation is effective September 27, 2000.

FOR FURTHER INFORMATION CONTACT:

Deborah Barnes, Social Insurance Specialist, Office of Disability, Social Security Administration, 3-A-8 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235-6401, (410) 965-4171 or TTY (410) 966-5609. For information on eligibility, claiming benefits, or coverage of earnings, call our national toll-free number, 1-800-772-1213 or TTY 1-800-325-0778, or visit the Internet site for SSA: <http://www.ssa.gov/>.

SUPPLEMENTARY INFORMATION: We use the Listings in appendix 1 to subpart P of part 404 at the third step of the sequential evaluation process to evaluate claims filed by adults and children for benefits based on disability under the Social Security and SSI programs. The Listings are divided into parts A and B. We use the criteria in part A to evaluate the impairments of adults. We use the criteria in part B to evaluate impairments of children. If those criteria do not apply, then we will apply the medical criteria in part A.

As a result of medical advances in disability evaluation and treatment, and program experience, we periodically review and update the Listings. When we last published the respiratory body system listings on October 7, 1993 (58 FR 52346), we established October 7, 2000, as the date on which the respiratory body system listings would no longer be effective unless they were extended or revised and promulgated again.

In this final rule, we are extending until July 2, 2002, the date on which the respiratory body system listings (3.00 and 103.00) will no longer be effective. We are extending this date because we do not expect to develop revised listings criteria for this body system by the current expiration date. However, we are reviewing the respiratory body system listings and we plan to publish proposed and final rules over the course of the next two years.

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 that meets or equals the Listings, we will find that the

individual is disabled at the third step of the sequential evaluation process.

Regulatory Procedures

Justification For Final Rule

Pursuant to section 702(a)(5) of the Social Security Act, 42 U.S.C. 902(a)(5), we follow the Administrative Procedure Act (APA) rulemaking procedures specified in 5 U.S.C. 553 in the development of our 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 for this rule. Good cause exists because this final rule only extends the date on which the respiratory body system listings will no longer be effective. 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, we have determined that opportunity for prior comment is unnecessary, and we are issuing this regulation 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 by 5 U.S.C. 553(d). As explained above, we are not making any substantive changes in the respiratory body system listings. However, without an extension of the expiration date for the respiratory body system listings, we will lack regulatory criteria for assessing respiratory impairments at the third step of the sequential evaluation process after the current expiration date of the listings. In order to ensure that we continue to have regulatory criteria for assessing respiratory 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 final rule does not meet the criteria for a significant regulatory action under Executive Order 12866. Thus, it was not subject to OMB review. We have also determined that this final rule meets the plain language requirement of Executive Order 12866 and the President's memorandum of June 1, 1998 (63 FR 31885).

Regulatory Flexibility Act

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

Paperwork Reduction Act

This final 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: September 19, 2000.

Kenneth S. Apfel,

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—)**Subpart P—[Amended]**

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

Authority: Secs. 202, 205(a), (b), and (d)—(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)—(h), 416(i), 421(a) and (i), 422(c), 423, 425, and 902(a)(5)); sec. 211(b), Pub. L. 104–193, 110 Stat. 2105, 2189.

2. Appendix 1 to subpart P of part 404 is amended by revising item 4 of the introductory text before Part A to read as follows:

Appendix 1 to Subpart P of Part 404—Listing of Impairments

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4. Respiratory System (3.00 and 103.00):
July 2, 2002.

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[FR Doc. 00–24708 Filed 9–26–00; 8:45 am]

BILLING CODE 4191–02–U

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 165**

[CGD01–00–220]

RIN 2115–AA97

Safety Zone; Oil Spill Recovery, Lower New York and Sandy Hook Bays

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for an oil spill recovery on Lower New York and Sandy Hook Bays. This action is necessary to protect recovery personnel and vessels in the vicinity of oil spill recovery operations. This action is intended to restrict vessel traffic in a portion of Lower New York and Sandy Hook Bays.

DATES: This rule is effective from 7 p.m. (e.s.t.) on September 14, 2000, until 7 a.m. (e.s.t.) on September 25, 2000.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket (CGD01–00–220) and are available for inspection or copying at Coast Guard Activities New York, 212 Coast Guard Drive, room 204, Staten Island, New York 10305, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant M. Day, Waterways Oversight Branch, Coast Guard Activities New York (718) 354–4012.

SUPPLEMENTARY INFORMATION:**Regulatory Information**

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(8), the Coast Guard finds that good cause exists for not publishing an NPRM. Good cause exists for not publishing an NPRM due to the fact that the safety zone is required due to an unforeseen oil spill. Any delay encountered in this regulation's effective date would be unnecessary and contrary to public interest since immediate action is needed to close the waterway and protect the recovery personnel and vessels in the vicinity of oil spill recovery operations.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. This is due to the following reasons: It is an unforeseen oil spill and is needed to protect the recovery

personnel and vessels in the vicinity of the oil spill recovery operations.

Background and Purpose

There was an oil spill in the vicinity of the Naval Weapons Station, Earle, NJ on September 14, 2000. The Coast Guard is establishing a temporary safety zone to provide safety to personnel engaged in recovery operations and to vessels in the area. The safety zone is in effect from 7 p.m. (e.s.t.) on September 14, 2000, until 7 a.m. (e.s.t.) on Monday, September 25, 2000. The effective times of this safety zone may be extended or shortened depending on the time required to conduct the oil spill recovery. The safety zone prevents vessels from transiting a portion of Lower New York and Sandy Hook Bays. The safety zone includes all waters of Lower New York and Sandy Hook Bays bound by the following points: 40°27.449' N, 074°08.224' W onshore at Point Comfort, NJ, thence to Old Orchard Shoal Light (LLNR 35395), thence to Chapel Hill South Channel Lighted Bell Buoy 10 (LLNR 35235), thence to 40°28.656' N, 074°01.076' W onshore at Sandy Hook Point, thence to Atlantic Highlands Breakwater Light (LLNR 35595). Marine traffic will not be allowed within this safety zone without authorization from the Captain of the Port New York. The size and duration of this zone may be expanded or contracted as required for oil spill recovery activities. Public notifications will be made by facsimile and broadcast notice to mariners as required.

Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979).

The Coast Guard expects the economic impact of this final rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This finding is based on the minimal time that vessels will be restricted from the zone, and the unforeseen nature of the oil spill.

The size of this safety zone was determined using the predicted tides and currents for the area affected by the oil spill.