

these listings, there must be at least 1 month (that is, 30 days) between the events in order to ensure that we are evaluating separate episodes.

b. Diagnostic cystoscopy does not satisfy the requirement for repeated urologic surgical procedures in 106.07A.

c. In 106.07B, *systemic infection* means an infection requiring an initial course of parenterally administered antibiotics occurring at least once every 4 months or at least 3 times a year.

d. In 106.07C, appropriate laboratory and clinical evidence document electrolyte disturbance. Hospitalizations are inpatient hospitalizations for 24 hours or more.

*F. What does the term "persistent" mean in these listings?*

*Persistent* means that the longitudinal clinical record shows that, with few exceptions, the required finding(s) has been at, or is expected to be at, the level specified in the listing for a continuous period of at least 12 months.

*G. How do we evaluate impairments that do not meet one of the genitourinary listings?*

1. These listings are only examples of common genitourinary impairments that we consider severe enough to prevent you from doing any gainful activity or that result in marked and severe functional limitations. If your severe impairment(s) does not meet the criteria of any of these listings, we must also consider whether you have an impairment(s) that satisfies the criteria of a listing in another body system.

2. If you have a severe medically determinable impairment(s) that does not meet a listing, we will determine whether your impairment(s) medically equals a listing, or, in the case of a claim for SSI payments, functionally equals the listings. (See §§ 404.1526, 416.926, and 416.926a.) When we decide whether a child receiving SSI payments continues to be disabled, we use the rules in § 416.994a.

106.01 Category of Impairments, Genitourinary Impairments

106.02 *Impairment of renal function*, due to any chronic renal disease that has lasted or can be expected to last for a continuous period of at least 12 months. With:

A. *Chronic hemodialysis or peritoneal dialysis* (see 106.00E1).

or

B. *Kidney transplantation*. Consider under a disability for 12 months following surgery; thereafter, evaluate the residual impairment (see 106.00E2). or

C. *Persistent elevation of serum creatinine* to 3 mg per deciliter (dL) (100 ml) or greater, over at least 3 months. or

D. *Reduction of creatinine clearance* to 30 ml per minute (43 liters/24 hours) per 1.73 m<sup>2</sup> of body surface area over at least 3 months.

106.06 *Nephrotic syndrome*, with anasarca, persisting for at least 3 months despite prescribed therapy. (See 106.00E3.) With:

A. Serum albumin of 2.0 g/dL (100 ml) or less.

or

B. Proteinuria of 40 mg/m<sup>2</sup>/hr or greater.

106.07 *Congenital genitourinary impairments* (see 106.00E4) resulting in one of the following:

A. Repeated urologic surgical procedures, occurring at least 3 times in a consecutive 12-month period.

or

B. Documented episodes of systemic infection requiring an initial course of parenteral antibiotics, occurring at least 3 times in a consecutive 12-month period (see 106.00E4).

or

C. Hospitalization (see 106.00E4d) for episodes of electrolyte disturbance, occurring at least 3 times in a consecutive 12-month period.

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[CGD08-05-042]

#### Drawbridge Operation Regulations; Back Bay of Biloxi, Biloxi, Harrison County, MS

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Eighth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Popps Ferry Road Bascule Span Bridge across the Back Bay of Biloxi, mile 8.0, at Biloxi, Harrison County, Mississippi. This deviation allows the north bascule span of the bridge to remain closed to navigation for twelve hours on July 26, 2005 with an alternate date of August 2, 2005 in case of inclement weather. This temporary deviation is necessary for the

replacement of the hydraulic hoses of the drawbridge operating system.

**DATES:** This deviation is effective from 7:30 a.m. on Tuesday, July 26, 2005 through 7:30 p.m. on Tuesday, August 2, 2005.

**ADDRESSES:** Materials referred to in this document are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs Federal Building, room 1313, 500 Poydras Street, New Orleans, Louisiana 70130-3310 between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (504) 589-2965. The Bridge Administration Branch of the Eighth Coast Guard District maintains the public docket for this temporary deviation.

**FOR FURTHER INFORMATION CONTACT:** Phil Johnson, Bridge Administration Branch, telephone (504) 589-2965.

**SUPPLEMENTARY INFORMATION:** The City of Biloxi has requested a temporary deviation in order to replace 24 hydraulic hoses of the north bascule span of the Popps Ferry Road Bridge across the Back Bay of Biloxi, mile 8.0 at Biloxi, Harrison County, Mississippi. This temporary deviation will allow the north bascule span of the bridge to remain in the closed-to-navigation position from 7:30 a.m. to 7:30 p.m. on Tuesday, July 26, 2005 with an alternate date of Tuesday, August 2, 2005 in case of inclement weather. For vessels that do not require the full channel width to safely pass through the bridge, the south bascule span will continue to open on signal, except that it need not open from 7:30 a.m. to 9 a.m. and from 4:30 p.m. to 6 p.m. as provided for in 33 CFR 117.675(c).

The bridge has a vertical clearance of 25 feet above mean high water, elevation 0.8 feet Mean Sea Level and 26.6 feet above mean low water, elevation -0.8 feet Mean Sea Level in the closed-to-navigation position. It has a horizontal clearance of 180 feet between bascule span tips while in the open-to-navigation position, normal to the channel axis. When the south bascule span is in the open-to-navigation position and the north span remains in the closed-to-navigation position, 90 feet of horizontal clearance will be available between the north bascule span tip and the south fender facing. Navigation at the site of the bridge consists mainly of tows with barges and some recreational vessels including sailing vessels. Many of the vessels that currently require an opening of the draw will be able to pass through the bridge with only the south bascule span open. Due to prior

experience, as well as coordination with waterway users, it has been determined that this 12-hour closure of the north bascule span will not have a significant effect on the vessels that do require full opening of the draw. Normally, the bridge opens on signal, except that it need not open for the passage of vessels from 7:30 a.m. to 9 a.m. and from 4:30 p.m. to 6 p.m. Monday through Friday except Federal holidays, as provided for in 33 CFR 117.675(c). The north bascule span may not be able to open for emergencies during the closure period, but the south bascule span of the bridge will open at any time for vessels in distress. Alternate routes are not available.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: June 27, 2005.

**Marcus Redford,**

*Bridge Administrator.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[CGD05-05-019]

RIN 1625-AA09

#### Drawbridge Operation Regulations; Kent Island Narrows, Kent Island, MD

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is changing the regulations that govern the operation of the S.R. 18-B Bridge, over Kent Island Narrows, mile 1.0, in Kent Island, MD. The final rule allows the S.R. 18-B Bridge to open on signal for vessel traffic on the hour and half-hour from 6 a.m. to 9 p.m., from May 1 through October 31, but need not be opened from 9 p.m. to 6 a.m. From November 1 through April 30, the draw shall open on signal from 6 a.m. to 6 p.m., but need not be opened from 6 p.m. to 6 a.m. The draw shall open on signal for public vessels of the United States, State, or local government vessels used for public safety purposes, and vessels in distress. This change will allow for a more efficient flow of vessel traffic.

**DATES:** This rule is effective August 4, 2005.

**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 CGD05-05-019 and are available for inspection or copying at Commander (obr), Fifth Coast Guard District, Federal Building, 1st Floor, 431 Crawford Street, Portsmouth, VA 23704-5004 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The Fifth Coast Guard District maintains the public docket for this rulemaking.

**FOR FURTHER INFORMATION CONTACT:**

Anton Allen, Bridge Management Specialist, Fifth Coast Guard District, at (757) 398-6227.

**SUPPLEMENTARY INFORMATION:**

#### Regulatory History

On April 27, 2005, we published a notice of proposed rulemaking (NPRM) entitled "Drawbridge Operation Regulations; Kent Island Narrows, Kent Island, MD" in the **Federal Register** (70 FR 21700). We received two comments on the proposed rule. No public meeting was requested, and none was held.

#### Background and Purpose

Maryland Department of Transportation (MDOT), who owns and operates this bascule bridge at mile 1.0 across Kent Island Narrows, in Kent Island, MD, requested a change to the current operating procedures set out in 33 CFR Part 117.561, which requires the draw to open on signal from November 1 through April 30, from 6 a.m. to 6 p.m., but need not be opened from 6 p.m. to 6 a.m.; and from May 1 through October 31 with the following restrictions: On Monday (except when Monday is a holiday) through Thursday (except when Thursday is the day before a Friday holiday), the draw shall open on signal on the hour from 7 a.m. to 7 p.m., but need not be opened at any other time; On Friday (except when Friday is a holiday) and on Thursday when it is the day before a Friday holiday, the draw shall open on signal on the hour from 6 a.m. to 3 p.m. and at 8 p.m., but need not be opened at any other time; On Saturday and on a Friday holiday, the draw shall open on signal at 6 a.m. and 12 noon and on signal on the hour from 3 p.m. to 8 p.m., but need not open at any other time; On Sunday and on a Monday holiday, the draw shall open on signal on the hour from 6 a.m. to 1 p.m. and at 3:30 p.m., but need not be opened at any other time; The draw shall open at scheduled opening times only if vessels are waiting to pass. At each opening, the draw shall remain open for a sufficient period of time to allow passage of all waiting

vessels; and if a vessel is approaching the bridge and cannot reach the bridge exactly on the hour, the drawtender may delay the hourly opening up to ten minutes past the hour for the passage of the approaching vessel and any other vessels that are waiting to pass.

In 1990, MDOT completed a new high-rise bridge along U.S. Route 50/301, which carries the majority of vehicle traffic, parallel to the drawbridge, allowing the draw to operate with fewer restrictions to vessels. The drawbridge has been inadvertently operated by MDOT on this final rule schedule since October 31, 1991.

The Coast Guard issued a temporary deviation from May 1, 2004 to July 29, 2004, to test the proposed regulation and solicit comments. The Coast Guard did not receive any comments during the temporary deviation.

This change is being requested to make the operation of the S.R. 18-B Bridge more efficient. In addition, the draw will provide for greater flow of vessel traffic than the current regulation.

#### Discussion of Comments and Changes

The Coast Guard received one comment on the NPRM from a private boater and one from MDOT. The private boater is in support of the opening schedule. MDOT provided information to correct slight inaccuracies in the background and purpose of this rule. The Coast Guard has incorporated the following correction to the background and purpose: Construction of the high-rise bridge parallel to the drawbridge actually completed in 1990 vice 1997.

The Coast Guard considers this change necessary to accurately describe details in the background and purpose. The comment provided by MDOT did not have an impact on the regulation itself, but was included for informational purposes only.

#### Regulatory Evaluation

This final rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, 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 Homeland Security (DHS).

We expect the economic impact of this final rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. We reached this conclusion based on the fact that the