

motions that would result in lower rates, pending Commission action on settlement agreements.

\* \* \* \* \*

4. In § 375.309, paragraph (g) is added to read as follows:

**§ 375.309 Delegations to the General Counsel.**

\* \* \* \* \*

(g) Grant uncontested applications for exempt wholesale generator status that do not involve unusual or interpretation issues and to act on uncontested motions to withdraw such applications.

[FR Doc. 95-29664 Filed 12-5-95; 8:45 am]

BILLING CODE 6717-01-P

## SOCIAL SECURITY ADMINISTRATION

### 20 CFR Part 404

[Regulation No. 4]

RIN 0960-AE39

#### **Federal Old-Age, Survivors and Disability Insurance; Determining Disability and Blindness; Extension of Expiration Dates for Hemic and Lymphatic System, Childhood Mental Disorders, and Malignant Neoplastic Diseases 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 dates for the hemic and lymphatic system, childhood mental disorders, and malignant neoplastic diseases listings. 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 hemic and lymphatic system impairments, childhood mental disorders, and malignant neoplastic diseases at step three of our sequential evaluation process.

**EFFECTIVE DATE:** This regulation is effective December 6, 1995.

**FOR FURTHER INFORMATION CONTACT:** Regarding this Federal Register document—Harry J. Short, Legal Assistant, Division of Regulations and Rulings, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965-6243; regarding eligibility or filing for benefits—our

national toll-free number, 1-800-772-1213.

**SUPPLEMENTARY INFORMATION:** On December 6, 1985, we published revised listings, including the hemic and lymphatic system and malignant neoplastic diseases listings (50 FR 50068), in parts A and B of appendix 1 (Listing of Impairments) to subpart P of part 404. On December 12, 1990, we published revised childhood mental disorders listings (55 FR 51208) in part B of appendix 1. We use the listings at the third step of the sequential evaluation process to evaluate claims filed by adults and children for benefits based on disability and blindness 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 revised listings in 1985 and 1990, 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 December 6, 1993, on which the hemic and lymphatic system and malignant neoplastic diseases listings would no longer be effective, and a date of December 12, 1995, on which the childhood mental disorders listings would no longer be effective, unless extended by the Secretary of Health and Human Services (the Secretary) or revised and promulgated again. Under section 102 of the Social Security Independence and Program Improvements Act of 1994, Public Law 103-296, this rulemaking authority was transferred from the Secretary to the Commissioner of Social Security (the Commissioner).

Subsequently, we issued a final rule on December 6, 1993 (58 FR 64121) extending the expiration date of the hemic and lymphatic system and malignant neoplastic diseases listings, as well as several other body system listings. That rule provided that the hemic and lymphatic system and malignant neoplastic diseases listings would no longer be effective on December 6, 1995. Also that rule republished the expiration dates that

were previously established through the rulemaking process for the other listings, and provided that the childhood mental disorders listings would no longer be effective on December 12, 1995.

In this final regulation, we are extending for eighteen months the dates on which the hemic and lymphatic system listing, the malignant neoplastic diseases listing and the childhood mental disorders listing will no longer be effective. The hemic and lymphatic system and the malignant neoplastic diseases listings will therefore no longer be effective on June 6, 1997. The childhood mental disorders listing will therefore no longer be effective on June 12, 1997. 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.

#### Regulatory Procedures

Pursuant to section 702(a)(5) of the Social Security Act, 42 U.S.C. 902(a)(5), as amended by section 102 of Public Law 103-296, 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 dates on which the hemic and lymphatic system, childhood mental disorders, and malignant neoplastic diseases 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, 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 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 dates for the hemic and lymphatic system, childhood mental disorders, and malignant neoplastic diseases listings, we will lack regulatory guidelines for assessing hemic and lymphatic system impairments, childhood mental disorders, and malignant neoplastic diseases at the third step of the sequential evaluation processes after the current expiration dates 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: November 30, 1995.

Shirley S. 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— )**

**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) 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 items 8, 14, and 15 of the introductory text before part A to read as follows:

**Appendix 1 to Subpart P—Listing of Impairments**

\* \* \* \* \*

8. Hemic and Lymphatic System (7.00 and 107.00): June 6, 1997.

\* \* \* \* \*

14. Mental Disorders (112.00): June 12, 1997.

15. Neoplastic Diseases, Malignant (13.00 and 113.00): June 6, 1997.

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**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 165**

**COTP Los Angeles-Long Beach, CA Regulation 93-013**

*CFR Correction*

In Title 33 of the Code of Federal Regulations, parts 125 to 199, revised as of July 1, 1995, § 165.T1103, appearing on page 617, should be removed.

BILLING CODE 1505-01-D

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 180 and 185**

[PP 5E4429/R2182; FRL-4983-2]

RIN 2070-AB78

**Oxyfluorfen; Pesticide Tolerances**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes tolerances for residues of the herbicide oxyfluorfen in or on the raw agricultural

commodities blackberry and raspberry. The regulation to establish maximum permissible levels for residues of the herbicide was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4) pursuant to the Federal Food, Drug and Cosmetic Act (FFDCA). EPA is also deleting the metabolites of oxyfluorfen containing the diphenyl ether linkage from certain tolerance expressions.

EFFECTIVE DATE: This regulation becomes effective December 6, 1995.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 5E4429/R2182], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing requests to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket number [PP 5E4429/R2182]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt L. Jamerson, Registration Division (7505W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 6th Floor,