

impact on a substantial number of small entities because it affects only individuals. Therefore, a regulatory flexibility analysis as provided in the Regulatory Flexibility Act, as amended, is not required.

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

#### 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: March 30, 1999.

**Kenneth S. Apfel,**

*Commissioner of Social Security.*

For the reasons set out in the preamble, we are amending subpart E of part 404 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 E—[Amended]

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

**Authority:** Secs. 202, 203, 204(a) and (e), 205(a) and (c), 222(b), 223(e), 224, 225, and 702(a)(5) of the Social Security Act (42 U.S.C. 402, 403, 404(a) and (e), 405(a) and (c), 422(b), 423(e), 424a, 425, and 902(a)(5)).

2. Section 404.403 is amended by adding paragraph (g) to read as follows:

**§ 404.403 Reduction where total monthly benefits exceed maximum family benefits payable.**

\* \* \* \* \*

(g) *Person previously entitled to disability insurance benefits.* If an insured individual who was previously entitled to disability insurance benefits becomes entitled to a "second entitlement" as defined in § 404.250, or dies, after 1995, and the insured individual's primary insurance amount is determined under §§ 404.251(a)(1), 404.251(b)(1), or 404.252(b), the monthly maximum during the second entitlement is determined under the following rules:

(1) If the primary insurance amount is determined under §§ 404.251(a)(1) or 404.251(b)(1), the monthly maximum equals the maximum in the last month of the insured individual's earlier entitlement to disability benefits, increased by any cost-of-living or ad hoc increases since then.

(2) If the primary insurance amount is determined under § 404.252(b), the monthly maximum equals the maximum in the last month of the insured individual's earlier entitlement to disability benefits.

(3) Notwithstanding paragraphs (g)(1) and (g)(2) of this section, if the second entitlement is due to the insured individual's retirement or death, and the monthly maximum in the last month of the insured individual's earlier entitlement to disability benefits was computed under paragraph (d-1) of this section, the monthly maximum is equal to the maximum that would have been determined for the last month of such earlier entitlement if computed without regard for paragraph (d-1) of this section.

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#### DEPARTMENT OF DEFENSE

##### Department of the Air Force

#### 32 CFR Part 812

##### User Charges

**AGENCY:** Department of the Air Force, Defense.

**ACTION:** Final rule; removal.

**SUMMARY:** The Department of the Air Force is amending Title 32, Chapter VII of the CFR by removing Part 812, User Charges. This rule is removed as AFR 177-8, User Charges and User Charges Report, was superseded by DFAS-DER-7000.6. DFAS-DER-7000.6, User Charges, was rescinded in September 1997.

**EFFECTIVE DATE:** April 5, 1999.

**FOR FURTHER INFORMATION CONTACT:** Ms. Holly McIntire, DFAS-DE/PMLP, 6760 E. Irvington Place, Denver, CO 80230-8000, (303) 676-7613.

**SUPPLEMENTARY INFORMATION:**

#### PART 812—[REMOVED]

Accordingly, 32 CFR, Chapter VII is amended by removing part 812.

**Authority:** 31 U.S.C. 9701.

**Carolyn A. Lunsford,**

*Air Force Federal Register Liaison Officer.*

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#### DEPARTMENT OF TRANSPORTATION

##### Coast Guard

#### 33 CFR Part 117

[CGD09-99-002]

RIN-2115-AE47

#### Drawbridge Operation Regulations; Duluth Ship Canal (Duluth-Superior Harbor)

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of temporary deviation from regulations with request for comments.

**SUMMARY:** The Coast Guard has authorized a temporary deviation from the current operating regulations that govern the Duluth Aerial Lift Bridge over the Duluth Ship Canal. The temporary deviation is for the purpose of evaluating a proposed revised schedule for the bridge during the peak recreational vessel traffic season. The test schedule will be in effect from June 1, 1999, through August 31, 1999.

**DATES:** This deviation is effective from 6 a.m. on June 3, 1999, until 10 p.m. on August 31, 1999. Comments must be received by September 30, 1999.

**ADDRESSES:** Comments may be mailed or delivered to: Commander (obr), Ninth Coast Guard District, 1240 East Ninth Street, Room 2019, Cleveland, OH 44199-2060 between 6:30 a.m. and 3 p.m., Monday through Friday, except federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Scot M. Striffler, Project Manager, at (216) 902-6084.

**SUPPLEMENTARY INFORMATION:** The Coast Guard received a request from the City of Duluth to reduce the number of bridge openings for recreational vessel traffic at the Duluth Aerial Lift Bridge during the peak boating season. This action was requested to relieve vehicular traffic congestion in the vicinity of the bridge and reduce wear and tear on the operating machinery. The Coast Guard arranged a meeting on September 30, 1998, with City officials, marina owners/operators, commercial marine interests, and the Coast Guard Captain of the Port to discuss operating schedule options. A schedule was devised and approved by the participants, and the Coast Guard determined that a 90-day test period would be appropriate to decide if a revised schedule would accomplish the previously stated objectives, while still providing for the reasonable needs of navigation.

The Coast Guard encourages interested persons to submit comments