

**SOCIAL SECURITY ADMINISTRATION****20 CFR Part 404**

RIN 0960-AE69

**Coverage of Employees of State and Local Governments; Office of Management and Budget (OMB) Control Number****AGENCY:** Social Security Administration (SSA).**ACTION:** Final rule.

**SUMMARY:** We revised our regulations which contain the rules on providing Social Security coverage for the services of employees of State and local governments and interstate instrumentalities on August 29, 1988 (53 FR 32972). The regulations were effective August 29, 1988 with the exception of several sections which contained information collection and recordkeeping requirements which were not effective until they were subsequently approved by OMB. This final regulation notifies the public that the information collection and recordkeeping requirements for those sections were approved by OMB and provides the OMB control number. It also provides the OMB control number for the information collection requirements in two additional sections.

**EFFECTIVE DATES:** This amendment is effective on May 25, 2001. 20 CFR 404.1203, 404.1204(a)(5) and (b), 404.1214(d), 404.1216(a), 404.1220, 404.1225, 404.1237, 404.1239, 404.1242, 404.1243, 404.1247, 404.1249, 404.1251, 404.1265, 404.1271, 404.1272 became effective on December 2, 1988 when OMB approved the information collection and recordkeeping requirements.

The reporting requirements in § 404.1215 were approved by OMB on May 23, 1996, and the reporting requirements in § 404.1292 were approved by OMB on August 16, 1999.

**FOR FURTHER INFORMATION CONTACT:** Georgia E. Myers, Regulations Officer, Office of Process and Innovation Management, Social Security Administration, 2109 West Low Rise Building, 6401 Security Boulevard, Baltimore, MD 21235-6401, (410) 965-1713 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 our Internet web site, Social Security Online, at [www.ssa.gov](http://www.ssa.gov).

**SUPPLEMENTARY INFORMATION:** Under the provisions of the Paperwork Reduction Acts of 1980 and 1995, Federal agencies

are required to obtain OMB approval of information collection and recordkeeping requirements that are contained in any regulations they publish. Once OMB has given its approval, OMB's regulations recommend that Federal agencies, in certain situations, display the control number assigned by OMB as part of the agency's regulatory text.

When we published a revision to 20 CFR 404, subpart M in the **Federal Register** on August 29, 1988 (53 FR 32972), several sections of subpart M (§§ 404.1203, 404.1204(a)(5) and (b), 404.1214(d), 404.1216(a), 404.1220, 404.1225, 404.1237, 404.1239, 404.1242, 404.1243, 404.1247, 404.1249, 404.1251, 404.1265, 404.1271 and 404.1272) contained information collection and recordkeeping requirements requiring OMB approval. We stated in the Preamble to those regulations that the regulations containing information collection and recordkeeping requirements were not effective on August 29, 1988, but would be effective upon OMB approval of those requirements. We also stated in the Preamble that when OMB gave its approval, notification of the approval would be published in the **Federal Register**.

As required by OMB's regulations in effect at that time, we published a notice in the **Federal Register** on October 7, 1988 (53 FR 39523) stating we had submitted these information collection and recordkeeping requirements to OMB for approval. OMB approved the information collection and recordkeeping requirements under control number 0960-0425 on December 2, 1988. On March 15, 1991, we published a notice in the **Federal Register** at 56 FR 11234 which advised the public that OMB had approved the reporting and recordkeeping requirements and provided the OMB control number and period of approval.

We requested an extension of the OMB approval of the information collection and recordkeeping requirements and published notices in the **Federal Register** on April 7, 1999 (64 FR 17051) and June 18, 1999 (64 FR 32913). The public had 60 days from the April 7, 1999 notice to comment and 60 days from the June 18, 1999 notice to comment; however, no public comments were received. OMB approved our request for extension of approval on August 16, 1999.

When the regulations were published on August 29, 1988, the Office of the Federal Register (OFR) added Effective Date Notes to the end of each of the sections designated as not being in effect because they contained

information collection and recordkeeping requirements subject to OMB approval. These Effective Date Notes say that the sections will become effective upon approval of the reporting and recordkeeping requirements by OMB. When we amended § 404.1220 on August 16, 1995 (60 FR 42431), the Effective Date Note was still included with that section even though we had obtained OMB approval. OFR advised us that, in order for them to remove the Effective Date Notes, we must publish another regulation; i.e., they could not be removed on the basis of the notice we had published on March 15, 1991. The regulation would notify the public that OMB has given its approval and that the regulations containing the information collection and recordkeeping requirements are in effect. Therefore, in this final rule, we are publishing such a notification and are amending our regulations to show the OMB control number at the end of each section.

In addition, § 404.1215 contains information collection requirements. As required by OMB's regulations, we published notices in the **Federal Register** on December 29, 1995 (60 FR 67387) and March 15, 1996 (61 FR 10838) concerning the collection request in § 404.1215. The public had 60 days from the December 29, 1995 notice to comment on it and 30 days from the March 15, 1996 notice to comment; however, no public comments were received. OMB approved the information collection requirements for § 404.1215 on May 23, 1996 and assigned a control number (0960-0425). We requested an extension of the OMB approval for the information collection requirements in this section, along with the other regulations sections previously discussed in this Preamble, and published notices in the **Federal Register** on April 7, 1999 (64 FR 17051) and June 18, 1999 (64 FR 32913). As previously stated, OMB approved the request for extension of approval on August 16, 1999. We are now amending our regulations to show the OMB control number at the end of § 404.1215.

Finally, § 404.1292 also contains information collection requirements. We submitted § 404.1292 with the other regulatory sections previously discussed in this Preamble in the request for an extension of the OMB approval, and published the notices in the **Federal Register** on April 7, 1999 (64 FR 17051) and June 18, 1999 (64 FR 32913). As previously discussed, OMB approved the request on August 16, 1999. We are now amending our regulations to show the OMB control number at the end of § 404.1292.

## Regulatory Procedures

### *Justification for Final Rule*

Pursuant to section 702(a)(5) of the Social Security Act, 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 waiver of the notice and public comment procedures for this regulation because those procedures are unnecessary in this situation. This regulation does not contain discretionary policy or substantive change, but merely notifies the public of prior OMB approval for the information collection and recordkeeping requirements contained in several sections and supplies the OMB control number for several sections. Therefore, 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, as provided by 5 U.S.C. 553(d), because such delay is unnecessary. This is not a substantive rule. It merely notifies the public of prior OMB approval for several sections and provides the OMB control number for several sections.

### *Executive Order 12866*

We have consulted with 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. We have also determined that this final rule meets the plain language requirement of Executive Order 12866.

### *Regulatory Flexibility Act*

We certify that this final regulation will not have a significant economic impact on a substantial number of small entities, including small governmental jurisdictions. 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 additional reporting/recordkeeping requirements necessitating clearance by OMB.

(Catalog of Federal Domestic Assistance Program No. 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: May 18, 2001.

Larry G. Massanari,

Acting Commissioner of Social Security.

For the reasons set forth in the preamble, subpart M of 20 CFR part 404 is amended as set forth below.

## PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950—)

### Subpart M—[Amended]

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

**Authority:** Secs. 205, 210, 218, and 702(a)(5) of the Social Security Act (42 U.S.C. 405, 410, 418, and 902(a)(5)); sec. 12110, Pub. L. 99–272, 100 Stat. 287 (42 U.S.C. 418 note); sec. 9002, Pub. L. 99–509, 100 Stat. 1970.

2. A parenthetical is added to the end of sections 404.1203, 404.1204, 404.1214, 404.1215, 404.1216, 404.1220, 404.1225, 404.1237, 404.1239, 404.1242, 404.1243, 404.1247, 404.1249, 404.1251, 404.1265, 404.1271, 404.1272, and 404.1292 to read as follows:

(Approved by the Office of Management and Budget under control number 0960–0425.)

[FR Doc. 01–13242 Filed 5–24–01; 8:45 am]

BILLING CODE 4191–02–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[Docket No. AK–01–003b; FRL–6986–4]

### Clean Air Act Promulgation of Attainment Date Extension for the Fairbanks North Star Borough Carbon Monoxide Nonattainment Area, AK

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving a one-year extension of the attainment date for the Fairbanks North Star Borough (FNSB), Alaska nonattainment area for carbon monoxide (CO). FNSB failed to attain the National Ambient Air Quality Standards (NAAQS) for CO by the applicable attainment date of December 31, 2000. This action is based on EPA's evaluation of air quality monitoring data and the extension request submitted by

the Commissioner, Alaska Department of Environmental Conservation (ADEC) on March 29, 2001, in accordance with section 186(a)(4) of the Clean Air Act (CAA).

**DATES:** This action is effective on July 24, 2001 unless EPA receives adverse comments by June 25, 2001. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

**ADDRESSES:** Written comments may be mailed to Connie Robinson, EPA, Region 10, Office of Air Quality, OAQ–107, 1200 Sixth Ave., Seattle, WA 98101. Copies of the documents relevant to this action are available for public inspection during normal business hours at EPA, Region 10, 1200 Sixth Ave., Seattle, WA 98101. Copies of the state documents relevant to this action are available for public inspection at the Alaska Department of Environmental Conservation, 410 Willoughby, Suite 303, Juneau, Alaska 99801–1795.

**FOR FURTHER INFORMATION CONTACT:** Connie Robinson, EPA, Region 10, Office of Air Quality, OAQ–107, 1200 Sixth Ave., (206) 553–1086.

**SUPPLEMENTARY INFORMATION:** Throughout this document, wherever “we,” “us,” or “our” is used, we mean the Environmental Protection Agency (EPA). This supplementary information is organized as follows:

- I. Background
  - A. Designation and Classification of CO Nonattainment Areas.
  - B. How Does EPA Make Attainment Determinations?
  - C. What are the CAA Requirements for an Attainment Date Extension that Apply to FNSB?
- II. EPA's Action
  - A. What is EPA Approving?
  - B. What is the History Behind this Approval?
- III. Basis for EPA's Action
  - A. Air Quality Data
  - B. Compliance with the Applicable SIP
  - C. Substantial Implementation of Control Measures
  - D. Reasonable Further Progress
- IV. Summary of Action
- V. Administrative Requirements

### I. Background

#### *A. Designation and Classification of CO Nonattainment Areas*

Upon enactment of the 1990 CAA Amendments, areas meeting the requirements of section 107(d) of the CAA were designated nonattainment for CO by operation of law and classified either “moderate” or “serious.” Moderate CO nonattainment areas with