

21. Section 270.30f-1 is redesignated as § 270.30h-1 and revised to read as follows:

**§ 270.30h-1 Applicability of section 16 of the Exchange Act to section 30(h).**

(a) The filing of any statement prescribed under section 16(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78p(a)) shall satisfy the corresponding requirements of section 30(h) of the Act (15 U.S.C. 80a-29(h)).

(b) The rules under section 16 of the Securities Exchange Act of 1934 (15 U.S.C. 78p) shall apply to any duty, liability or prohibition imposed with respect to a transaction involving any security of a registered closed-end company under section 30(h) of the Act (15 U.S.C. 80a-29(h)).

(c) No statements need be filed pursuant to section 30(h) of the Act (15 U.S.C. 80a-29(h)) by an affiliated person of an investment adviser in his or her capacity as such if such person is solely an employee, other than an officer, of such investment adviser.

**PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940**

22. The authority citation for Part 274 continues to read as follows:

**Authority:** 15 U.S.C. 77f, 77g, 77h, 77j, 77s, 78c(b), 78l, 78m, 78n, 78o(d), 80a-8, 80a-24, 80a-26, and 80a-29, unless otherwise noted.

23. Section 274.202 is revised to read as follows:

**§ 274.202 Form 3, initial statement of beneficial ownership of securities.**

This form shall be filed pursuant to § 270.30h-1 for initial statements of beneficial ownership of securities required to be filed pursuant to section 30(h) of the Investment Company Act of 1940 (15 U.S.C. 80a-29(h)). (Same as § 249.103 of this chapter.)

**Note:** The text of Form 3 does not and these amendments will not appear in the *Code of Federal Regulations*.

24. Form 3 (referenced in §§ 249.103 and 274.202) is amended by revising the reference “Sections 30(f) and 38 of the Investment Company Act of 1940” to read “Sections 30(h) and 38 of the Investment Company Act of 1940” in the first paragraph of the cover page.

25. Form 3 (referenced in §§ 249.103 and 274.202) is amended by revising the reference “Section 30(f) of the Investment Company Act of 1940” to read “Section 30(h) of the Investment Company Act” in the following places:

- (a) General Instructions 1.(a)(iv) and 4.(a)(iii) and
- (b) Above Item 1 of the Form.

26. Section 274.203 is revised to read as follows:

**§ 274.203 Form 4, statement of changes in beneficial ownership of securities.**

This form shall be filed pursuant to § 270.30h-1 for statements of changes in beneficial ownership of securities required to be filed pursuant to section 30(h) of the Investment Company Act of 1940 (15 U.S.C. 80a-29(h)). (Same as § 249.104 of this chapter.)

**Note:** The text of Form 4 does not and these amendments will not appear in the *Code of Federal Regulations*.

27. Form 4 (referenced in §§ 249.104 and 274.203) is amended by revising the reference “Sections 30(f) and 38 of the Investment Company Act of 1940” to read “Sections 30(h) and 38 of the Investment Company Act of 1940” in the first paragraph of the cover page.

28. Form 4 (referenced in §§ 249.104 and 274.203) is amended by revising the reference “Section 30(f) of the Investment Company Act of 1940” to read “Section 30(h) of the Investment Company Act” in the following places:

- (a) General Instruction 3.(a)(iii) and
- (b) Above Item 1 of the Form.

Dated: June 24, 2002.

By the Commission.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 02-16346 Filed 6-27-02; 8:45 am]

**BILLING CODE 8010-01-P**

**SOCIAL SECURITY ADMINISTRATION**

**20 CFR Part 404**

**[Regulations No. 4]**

**RIN 0960-AF76**

**Extension of Expiration Date for the Respiratory System Listings**

**AGENCY:** Social Security Administration (SSA).

**ACTION:** Final rule.

**SUMMARY:** We use the criteria in the Listing of Impairments (the Listings) to evaluate claims under the Social Security and Supplemental Security Income (SSI) programs. This final rule extends until July 2, 2003, the date on which the respiratory 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 apply these criteria when you file for benefits based on disability under title II and title XVI of the Social Security Act (the Act).

**EFFECTIVE DATE:** This final regulation is effective June 28, 2002.

**FOR FURTHER INFORMATION CONTACT:** Jane Deweib, Social Insurance Specialist, Office of Disability, Social Security Administration, 3-A-8 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235-6401, (410) 965-9878 or TTY (410) 966-5609. For information on eligibility or filing for benefits, 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 <http://www.ssa.gov>.

**Electronic Version:** The electronic file of this document is available on the date of publication in the **Federal Register** at [http://access.gpo.su\\_docs/aces/aces140.html](http://access.gpo.su_docs/aces/aces140.html). It is also available on the Internet site for SSA (i.e., Social Security Online) at <http://www.ssa.gov/regulations>.

**SUPPLEMENTARY INFORMATION:** There are listings for adults (part A) and for children (part B). We apply the medical criteria in Part A when we assess your claim if you are an adult, i.e., a person age 18 or over. If you are a child, we first use the criteria in Part B. If the B criteria do not apply, and the specific disease process(es) has a similar effect on adults and children, we then use the criteria in Part A. (See Secs. 404.1525, 404.1526, 416.925 and 416.926.) We use the criteria in the listings only to make favorable findings of disability. We never deny a claim or find that disability has ceased because your impairment(s) does not meet or medically equal a listing.

In this final rule, we are extending until July 2, 2003, the date on which the respiratory system listings (3.00 and 103.00) will no longer be effective to allow sufficient time for us to revise them.

As a result of medical advances in disability evaluation and treatment, and program experience, we should periodically review and update the Listings. We are extending the date for the respiratory system listings because we will not complete revised listings criteria by the current expiration date. We are currently in the process of revising the respiratory system listings (3.00 and 103.00) and intend to publish proposed and final rules for them in a timely manner, with all revisions complete prior to the new extension date.

We last published final rules revising the respiratory system listings in the **Federal Register** on October 7, 1993 (58 FR 52346), at which time we indicated that due to medical advances in disability evaluation and treatment and

program experience we would periodically review and update the listings. The current listings for the evaluation of respiratory system impairments will no longer be effective on July 2, 2002. Until we publish revised language for the respiratory system listings, the current listings language remains valid for our program purposes.

**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 system listings will no longer be effective. It makes no substantive changes to those listings. The current regulations expressly provide that 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 system listings. However, without an extension of the expiration dates for these 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 these listings. In order to ensure that we continue to have regulatory criteria for assessing respiratory impairments under these listings, we find that it is in the public interest to make this rule effective on publication.

*Executive Order 12866*

The Office of Management and Budget (OMB) has reviewed this final rule in accordance with Executive Order (E.O.) 12866, as amended by E.O. 13258. We have also determined that this final rule

meets the plain language requirement of E.O. 12866 as amended by E.O. 13258.

*Regulatory Flexibility Act*

We certify that this final rule will not have a significant economic impact on a substantial number of small entities because it affects only individuals. Thus, a regulatory flexibility analysis as provided in the Regulatory Flexibility Act, as amended, is not required.

*Paperwork Reduction Act*

This final rule 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: May 30, 2002.

**JoAnne B. Barnhart,**  
*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**

\* \* \* \* \*

4. Respiratory System (3.00 and 103.00): July 2, 2003.

\* \* \* \* \*

[FR Doc. 02–16336 Filed 6–27–02; 8:45 am]

**BILLING CODE 4191–02–P**

**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**26 CFR Parts 1 and 602**

[TD 9002]

RIN 1545–AX56

**Agent for Consolidated Group**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Final regulations.

**SUMMARY:** This document contains final regulations regarding the agent for subsidiaries of an affiliated group that files a consolidated return (agent for the group). The regulations address certain issues concerning the scope of the common parent’s authority, as well as questions concerning the agent for the group when the common parent’s existence terminates. These regulations affect all consolidated groups.

**DATES:** *Effective Date:* These regulations are effective June 28, 2002.

*Applicability Date:* For dates of applicability, see §§ 1.1502–77(h) and 1.1502–78(f).

**FOR FURTHER INFORMATION CONTACT:** Gerald B. Fleming, (202) 622–7770, or George R. Johnson, (202) 622–7930 (not toll-free numbers).

**SUPPLEMENTARY INFORMATION:**

**Paperwork Reduction Act**

The collections of information contained in these final regulations have been reviewed and approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) under control number 1545–1699. Responses to these collections of information are required to obtain a benefit (the approval by the IRS of the common parent’s designation of a substitute agent for the consolidated group or recognition by the IRS of the common parent’s successor as a default substitute agent).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the Office of Management and Budget.

The estimated annual burden per respondent is 2 hours.

Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be sent to the Internal Revenue Service, Attn: IRS Reports Clearance Officer, W:CAR:MP:FP:S, Washington, DC 20224, and to the Office of Management and Budget, Attn: Desk Officer for the