

FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### Environmental Review

This proposal would be subject to an environmental analysis in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures" prior to any FAA final regulatory action.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

### PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

#### § 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, is amended as follows:

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.*

\* \* \* \* \*

#### AAL AK E5 Hooper Bay, AK [Amended]

Hooper Bay Airport, AK

(Lat. 61°31'26" N, long. 166°08'48" W)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Hooper Bay Airport; and that airspace extending upward from 1,200 feet above the surface within a 45-mile radius of Hooper Bay Airport, excluding that airspace extending beyond 12 miles from the shoreline.

#### AAL AK E5 Kaltag, AK [Amended]

Kaltag Airport, AK

(Lat. 64°19'08" N, long. 158°44'29" W)

That airspace extending upward from 700 feet above the surface within a 7.6-mile

radius of Kaltag Airport, and that airspace extending upward from 1,200 feet above the surface within a 72-mile radius of the Kaltag Airport, excluding that airspace extending beyond 12 miles from the shoreline.

#### AAL AK E5 King Salmon, AK [Amended]

King Salmon, King Salmon Airport, AK

(Lat. 58°40'35" N, long. 156°38'55" W)

King Salmon VORTAC

(Lat. 58°43'29" N, long. 156°45'08" W)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of King Salmon Airport, AK, and within 5 miles north and 9 miles south of the 132° radial of the King Salmon VORTAC, AK, extending from the King Salmon VORTAC, AK, to 36 miles southeast of the King Salmon VORTAC, AK, and within 3.9 miles either side of the 312° radial of the King Salmon VORTAC, AK, extending from the 6.9-mile radius to 13.9 miles northwest of the King Salmon VORTAC, AK; and that airspace extending upward from 1,200 feet above the surface within a 73-mile radius of the King Salmon Airport, AK., excluding that airspace extending beyond 12 miles of the shoreline.

#### AAL AK E5 Kodiak, AK [Amended]

Kodiak Airport, AK

(Lat. 57°45'00" N, long. 152°29'38" W)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of Kodiak Airport, AK, and within 3.1 miles either side of the 072° bearing from Kodiak Airport, AK, extending from the 6.9-mile radius from the airport, to 12.2 miles east of the airport, and within 1 mile either side of the 091° bearing from Kodiak Airport, AK, extending from the 6.9-mile radius from the airport, to 8.2 miles east of the airport, and that airspace extending upward from 1,200 feet above the surface within a 73-mile radius of the Kodiak Airport, AK., excluding that airspace extending beyond 12 miles of the shoreline.

#### AAL AK E5 Manokotak, AK [Amended]

Manokotak Airport, AK

(Lat. 58°55'55" N, long. 158°54'07" W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Manokotak Airport, AK; and that airspace extending upward from 1,200 feet above the surface within a 74-mile radius of Manokotak Airport, AK, excluding that airspace extending beyond 12 miles of the shoreline.

#### AAL AK E5 Middleton Island, AK [Amended]

Middleton Island Airport, AK

(Lat. 59°27'00" N, long. 146°18'26" W)

Middleton Island VOR/DME

(Lat. 59°25'19" N, long. 146°21'00" W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Middleton Island Airport, and within 4 miles either side of the 038° radial of the Middleton Island VOR/DME extending from the 6.5-mile radius to 12 miles northeast of the VOR/DME, and that airspace extending upward from 1,200 feet above the surface within a 42-mile radius of the Middleton Island VOR/DME, excluding that airspace extending beyond 12 miles of the shoreline.

Issued in Seattle, Washington, on November 30, 2018.

**Shawn M. Kozica,**

*Group Manager, Operations Support Group, Western Service Center.*

[FR Doc. 2018–26810 Filed 12–14–18; 8:45 am]

**BILLING CODE 4910–13–P**

## SOCIAL SECURITY ADMINISTRATION

### 20 CFR Parts 404 and 416

[Docket No. SSA–2018–0017]

RIN 0960–AI35

### Consideration of Pain in the Disability Determination Process

**AGENCY:** Social Security Administration.

**ACTION:** Advance notice of proposed rulemaking (ANPRM).

**SUMMARY:** We are soliciting public input to ensure that the manner in which we consider pain in adult and child disability claims under titles II and XVI of the Social Security Act (Act) remains aligned with contemporary medicine and health care delivery practices. Specifically, we are requesting public comments and supporting data related to the consideration of pain and documentation of pain in the medical evidence we use in connection with claims for benefits. We will use the responses to the questions below and any relevant research and data we obtain or receive to determine whether and how we should propose revisions to our current policy regarding the evaluation of pain.

**DATES:** To be sure that we consider your comments, we must receive them no later than February 15, 2019.

**ADDRESSES:** You may submit comments by any one of three methods—internet, fax, or mail. Do not submit the same comments multiple times or by more than one method. Regardless of which method you choose, please state that your comments refer to Docket No. SSA–2018–0017 so that we may associate your comments with this ANPRM.

**Caution:** You should be careful to include in your comments only information that you wish to make publicly available. We strongly urge you not to include in your comments any personal information, such as Social Security numbers or medical information.

1. **Internet:** We strongly recommend that you submit your comments via the internet. Please visit the Federal eRulemaking portal at <http://www.regulations.gov>. Use the Search function to find docket number SSA–

2018–0017. Once you submit your comment, the system will issue a tracking number to confirm your submission. You will not be able to view your comment immediately because we must post each comment manually. It may take up to a week for your comment to be viewable.

2. *Fax:* Fax comments to (410) 966–2830.

3. *Mail:* Address your comments to the Office of Regulations and Reports Clearance, Social Security Administration, 3100 West High Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235–6401.

Comments are available for public viewing on the Federal eRulemaking portal at <http://www.regulations.gov> or in person, during regular business hours, by arranging with the contact person identified below.

**FOR FURTHER INFORMATION CONTACT:** Dan O'Brien, Office of Disability Policy, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235–6401, (410) 597–1632. 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 site, Social Security Online, at <http://www.socialsecurity.gov>.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Act defines “disability” for titles II and XVI as the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.<sup>1</sup> We use a five-step sequential evaluation process to determine whether a claimant who files an initial claim for benefits is disabled under the Act.<sup>2</sup> If we can make a determination or decision that a claimant is disabled or not disabled at a step, we do not go on to the next step.<sup>3</sup> If we cannot make a determination or decision at a step, we continue to the next step in the sequential evaluation process.<sup>4</sup> At various steps of the sequential evaluation process, we will consider both the medical evidence of an impairment and the claimant’s descriptions of his or her symptoms, including pain.<sup>5</sup>

<sup>1</sup> 42 U.S.C. 423(d)(1)(A) and 1382c(a)(3)(A); see also 20 CFR 404.1505(a) and 416.905(a).

<sup>2</sup> 20 CFR 404.1520(a)(4), 416.920(a)(4), and 416.924.

<sup>3</sup> Id.

<sup>4</sup> Id.

<sup>5</sup> 20 CFR 404.1529 and 416.929.

Our current regulations prescribe a two-stage process for evaluating a claimant’s pain.<sup>6</sup> At stage one, we determine whether there is objective medical evidence showing the existence of a medically determinable impairment that could reasonably be expected to produce the pain.<sup>7</sup> When the medical signs or laboratory findings show that a claimant has a medically determinable impairment(s) that could reasonably be expected to produce the pain, we proceed to stage two and evaluate the intensity and persistence of a claimant’s pain based on all the evidence in the record. We consider several factors at this second stage, including:

- The objective medical evidence;
- the claimant’s medical history, the clinical signs and laboratory findings, and statements about the pain’s effect on the claimant;
- the claimant’s daily activities;
- the location, duration, frequency, and intensity of the pain;
- any precipitating or aggravating factors;
- the type, dosage, effectiveness, and side effects of medication;
- any treatments, other than medication, the claimant receives or has received for relief of pain;
- any measures the claimant uses or has used to relieve pain (e.g., lying flat on the back, standing for 15 to 20 minutes every hour, sleeping on a board, etc.); and
- any other factors concerning functional limitations and restrictions due to pain.<sup>8</sup>

##### What is the purpose of this ANPRM?

We are soliciting public comments about our rules for evaluating the intensity and persistence of pain and documentation of pain in the medical evidence as part of the disability determination process. In addition to seeking public input on the specific questions below, we are also asking for public input to help identify research and data that will help us ensure our policy on the evaluation of pain remains aligned with contemporary medicine and health care delivery practices. We will use the responses to the questions below and any relevant research and data we obtain or receive to determine whether and how we should propose revisions to our current policy regarding the evaluation of pain.

<sup>6</sup> Id.

<sup>7</sup> 20 CFR 404.1529(b) and 416.929(b).

<sup>8</sup> 20 CFR 404.1529(a), (c) and 416.929(a), (c).

##### What will we consider when we decide whether to propose revisions to our rules?

We will consider the public comments and any research or data identified in response to this solicitation. We will also consider any information we obtain through research or other activities intended to inform our policy decisions in this area, such as the National Disability Forum.<sup>9</sup>

##### What should you comment about?

When we evaluate the intensity and persistence of a claimant’s pain, we consider all of the available evidence, including the types of evidence discussed above. We are soliciting public input, research, and data about the following:

1. Are there changes that we should consider about how we consider pain in the disability evaluation process? If so, what changes do you suggest we make? Please provide data, research, or any other evidence supporting your suggestions where applicable.

2. Within the United States, which standard scales, questionnaires, or other methods to evaluate the intensity and persistence of pain that are commonly accepted in the medical community do you recommend we consider and why? What information exists about the efficacy or accuracy of those scales, questionnaires, or other methods?

3. How is pain and documentation of pain in the medical evidence assessed in other Federal, State, and private disability programs?

4. Should we evaluate chronic<sup>10</sup> pain differently than acute<sup>11</sup> pain? If so, why and how?

5. Should we evaluate nociceptive<sup>12</sup> pain differently than neuropathic<sup>13</sup> pain? If so, why and how? Please submit research or data that support your recommendation.

6. What information and evidence is available on the effectiveness and side effects of the traditional and alternative

<sup>9</sup> Information regarding the National Disability Forum is available on our internet site at: <https://www.ssa.gov/ndf/>.

<sup>10</sup> Pain that “persist[s] over a long period of time.” *Chronic*, *Dorland’s Illustrated Medical Dictionary* (31st ed. 2007).

<sup>11</sup> “[A] short and relatively severe course” of pain. *Acute*, *Dorland’s Illustrated Medical Dictionary* (31st ed. 2007).

<sup>12</sup> Pain that pertains to a nociceptor, which is a receptor for pain caused by injury to body tissues from physical chemical stimuli. *Nociceptive*, *Nociceptor*, *Dorland’s Illustrated Medical Dictionary* (31st ed. 2007).

<sup>13</sup> Pain that pertains to, or is characterized by, a functional disturbance or pathological change in the peripheral nervous system. *Neuropathic*, *Neuropathy*, *Dorland’s Illustrated Medical Dictionary* (31st ed. 2007).

modalities for treating pain that we should consider?

7. Can health care utilization and treatment regimens employed by physicians to manage patient pain provide objective insights into the intensity and persistence of pain? When should those regimens not be an indication of the severity of an individual's pain?

8. Is there any additional information that we should consider when we evaluate pain in our disability program?

#### Will we respond to your comments?

We will consider all relevant public comments we receive in response to this notice, but we will not respond directly to them. If we decide to propose specific revisions to our rules, we will publish a notice of proposed rulemaking in the **Federal Register**, and you will have a chance to comment on any revisions we propose.

#### List of Subjects

##### 20 CFR Part 404

Administrative practice and procedure, Blind, Disability benefits, Old-age, Survivors and Disability Insurance, Reporting and recordkeeping requirements, Social Security.

##### List of Subjects in 20 CFR Part 416

Administrative practice and procedure, Blind, Disability benefits, Supplemental Security Income, Reporting and recordkeeping requirements, Social Security.

Nancy A. Berryhill,

Acting Commissioner of Social Security.

[FR Doc. 2018-27169 Filed 12-14-18; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Alcohol and Tobacco Tax and Trade Bureau

#### 27 CFR Part 9

[Docket No. TTB-2018-0008; Notice No. 177]

RIN 1513-AC40

### Proposed Establishment of the West Sonoma Coast Viticultural Area

#### Correction

In proposed rule document C1-2018-26321 appearing on page 63824 in the issue of Wednesday, December 12, 2018, make the following corrections:

1. On page 63824, in the third column, the fourth line from the bottom of the page "January 7, 2018" should read "January 7, 2019."

2. On page 63824, in the third column, the third line from the bottom of the page "February 4, 2018" should read "February 4, 2019."

[FR Doc. C2-2018-26321 Filed 12-14-18; 8:45 am]

BILLING CODE 1301-00-D

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R01-OAR-2018-0790; FRL-9987-51-Region 1]

### Air Plan Approval; Massachusetts; High Occupancy Vehicle Lanes

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the Commonwealth of Massachusetts. This revision provides for the Massachusetts Department of Transportation (MassDOT) to construct and operate specified transit facilities and high occupancy vehicle (HOV) lanes established therein. Implementation and continued monitoring of these projects will help reduce the use of automobiles and improve traffic operations on the region's roadways, resulting in improved air quality. This action will have a beneficial effect on air quality because it is intended to reduce vehicle miles traveled (VMT) and traffic congestion in the Boston Metropolitan Area. Massachusetts has adopted these revisions to reduce emissions of volatile organic compounds (VOC), particulate matter (PM), and nitrogen oxides (NO<sub>x</sub>). This action is being taken under the Clean Air Act.

**DATES:** Written comments must be received on or before January 16, 2019.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R01-OAR-2018-0790 at <https://www.regulations.gov>, or via email to [rackauskas.eric@epa.gov](mailto:rackauskas.eric@epa.gov). For comments submitted at [Regulations.gov](https://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](https://www.regulations.gov). For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be

accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>. Publicly available docket materials are available at <https://www.regulations.gov> or at the U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 5 Post Office Square, Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:** Eric Rackauskas, Air Quality Planning Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, 5 Post Office Square, Suite 100 (mail code: OEP05-2), Boston, MA 02109-3912, telephone number (617) 918-1628, fax number (617) 918-0628, email [rackauskas.eric@epa.gov](mailto:rackauskas.eric@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document whenever "we," "us," or "our" is used, we mean EPA.

#### Table of Contents

- I. Background and Purpose
- II. Administrative Changes
- III. Summary of Changes to the Amended High Occupancy Vehicle Lanes Regulation
- IV. Proposed Action
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#### I. Background and Purpose

On July 9, 1996, the Massachusetts Department of Environmental Protection (MassDEP) submitted a revision to the Massachusetts State Implementation Plan (SIP) consisting of amendments to 310 CMR 7.37: High Occupancy Vehicle Lanes. The submitted amended 310 CMR 7.37 contains added definitions, revised due dates for certain requirements, minor technical amendments, and clarifying language. This regulation is designed to help