

General category under § 285.21, to fish for, catch, possess, or retain, or to attempt to fish for, catch, possess, or retain Atlantic bluefin tuna on designated restricted-fishing days.

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10. In § 285.54, the heading and paragraph (a) are revised to read as follows:

§ 285.54 Vessel recordkeeping and reporting.

(a)(1) *Logbooks.* If selected and so notified in writing by the Director, the owner and/or operator of a vessel for which a permit has been issued under § 285.21 or § 285.53, must ensure that a daily logbook form is maintained of the vessel's fishing effort, catch, and disposition on forms available from the Science and Research Director. Such forms must be submitted to the Science and Research Director postmarked not later than the seventh day after sale of the fish offloaded from a trip. If no fishing occurred during a month, a report so stating must be submitted in accordance with instructions provided with the forms.

(2) *Tally sheets.* The owner and/or operator of a vessel for which a permit has been issued under § 285.21 or § 285.53, and who is required to submit a logbook under paragraph (a)(1) of this section, must ensure that copies of tally sheets are submitted for all fish offloaded and sold after a fishing trip. Each tally sheet must show the dealer to whom the fish were transferred, the date they were transferred, and the carcass weight of each fish for which individual carcass weights are normally recorded. For species not individually weighed, tally sheets must record total weights by market category. Copies of tally sheets must be submitted with the logbook forms required under paragraph (a)(1) of this section.

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SOCIAL SECURITY ADMINISTRATION

20 CFR Part 404

[Regulations No. 4]

RIN 0960-AE70

Federal Old-Age, Survivors and Disability Insurance; Determining Disability and Blindness; Extension of Expiration Dates for Several Body System Listings

AGENCY: Social Security Administration.

ACTION: Final rule.

SUMMARY: The Social Security Administration (SSA) adjudicates claims at the third step of its sequential process for evaluating disability using the Listing of Impairments (the listings) under the Social Security and supplemental security income (SSI) programs. This rule extends the dates on which several body system listings will no longer be effective and makes two related nonsubstantive technical changes. 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. These extensions will ensure that we continue to have medical evaluation criteria in the listings to adjudicate claims for disability based on impairments in these body systems at step three of our sequential evaluation process.

EFFECTIVE DATE: This regulation is effective June 5, 1997.

FOR FURTHER INFORMATION CONTACT:

Regarding this **Federal Register** document—Richard M. Bresnick, Legal Assistant, Division of Regulations and Rulings, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965-1758; regarding eligibility or filing for benefits—our national toll-free number, 1-800-772-1213.

SUPPLEMENTARY INFORMATION: We use the listings in Appendix 1 (Listing of Impairments) to subpart P of part 404 at the third step of the sequential evaluation process to evaluate claims filed by adults and individuals under age 18 for benefits based on disability under the Social Security and SSI programs. The listings are divided into parts A and B. We use the criteria in part A 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, then the medical criteria in part A will be used.

When we published revised listings in 1985 and subsequently, 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 dates ranging from 3 to 8 years on which the various body system listings would no longer be effective unless extended by the Secretary of Health and Human Services or revised and promulgated again. Effective March 31, 1995, the authority to issue regulations was transferred to the Commissioner of Social Security by section 102 of Public Law 103-296, the Social Security

Independence and Program Improvements Act of 1994.

In this final rule we are extending the dates on which several body system listings will no longer be effective as follows:

June 7, 1999: Musculoskeletal System (1.00 and 101.00); Hemic and Lymphatic System (7.00 and 107.00); Skin (8.00); Endocrine System and Obesity (9.00) and Endocrine System (109.00); and Neoplastic Diseases, Malignant (13.00 and 113.00).

August 27, 1999: Mental Disorders (12.00 and 112.00).

December 6, 1999: Digestive System (5.00 and 105.00) and Genito-Urinary System (6.00 and 106.00).

We are making the expiration date for the adult and childhood mental disorders listings the same. For several years, the mental disorders listings have been the only body system listings to have different expiration dates for parts A and B. We are now making this body system listing consistent with all the others.

We last extended the dates on which these body system listings would no longer be effective in final rules published as follows:

December 6, 1993 (58 FR 64121): Digestive System; Genito-Urinary System; Skin; and Endocrine System and Obesity and Endocrine System.

August 23, 1995 (60 FR 43709): Mental Disorders (12.00 only).

December 6, 1995 (60 FR 62329): Hemic and Lymphatic System; Mental Disorders (112.00 only); and Neoplastic Diseases, Malignant.

June 4, 1996 (61 FR 28046): Musculoskeletal System.

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 medically or functionally equivalent in severity to an impairment in the listings, we will find that the individual is disabled at the third step of the sequential evaluation process.

We also are making two nonsubstantive technical changes in the listings. First, we are removing the introductory paragraph at the beginning of 12.00 Mental Disorders because it merely repeats, in narrative form, the same expiration date information contained in the list at the beginning of appendix 1. No other body system listing contains such a paragraph.

Second, in the list of body system listings at the beginning of part B of appendix 1, we are correcting the entry for "112.00 Mental and Emotional Disorders" to "112.00 Mental

Disorders." The body system listing name was changed in the final rule published on December 12, 1990 (55 FR 51208), but the name was not corrected in this list.

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 these body system listings will no longer be effective and makes two related nonsubstantive technical changes. 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 these body system listings. However, without an extension of the expiration dates for these listings, we will lack regulatory guidelines for assessing impairments in these body systems 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 the Regulatory Flexibility Act, as amended, is not required.

Paperwork Reduction Act

This regulation imposes no reporting/recording 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 29, 1997.

John J. Callahan,

Acting 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 is amended by removing item 14 of the introductory text before part A, renumbering items 15 and 16 as items 14 and 15, and revising items 2, 6 through 10, 13, and the renumbered item 14 to read as follows:

Appendix 1 to Subpart P—Listing of Impairments

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2. Musculoskeletal System (1.00 and 101.00): June 7, 1999.

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6. Digestive System (5.00 and 105.00): December 6, 1999.

7. Genito-Urinary System (6.00 and 106.00): December 6, 1999.

8. Hematologic and Lymphatic System (7.00 and 107.00): June 7, 1999.

9. Skin (8.00): June 7, 1999.

10. Endocrine System and Obesity (9.00) and Endocrine System (109.00): June 7, 1999.

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13. Mental Disorders (12.00 and 112.00): August 27, 1999.

14. Neoplastic Diseases, Malignant (13.00 and 113.00): June 7, 1999.

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3. Part A of Appendix 1 to subpart P is amended by removing the introductory paragraph of 12.00 Mental Disorders.

4. Part B of Appendix 1 to subpart P is amended by revising the entry for 112.00 in the list at the beginning of part B to read as follows:

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§ 112.00 Mental Disorders

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[FR Doc. 97–14613 Filed 6–4–97; 8:45 am]

BILLING CODE 4190–29–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 416

[Regulations No. 16]

RIN 0960–AD65

Supplemental Security Income for the Aged, Blind, and Disabled; Reliable Information Which Is Currently Available for Determining Benefit Amounts in the Supplemental Security Income Program

AGENCY: Social Security Administration (SSA).

ACTION: Final rules.

SUMMARY: The Social Security Act (the Act) provides that if the Commissioner of Social Security determines that reliable information is currently available concerning the income of an individual, the Commissioner may use that information to determine an individual's current month's supplemental security income (SSI) benefit amount. This method of determining SSI benefit amounts is an exception to the use of income from a prior month, known as retrospective monthly accounting (RMA). These rules provide that the Commissioner, in exercising his or her discretionary authority, has determined that no reliable information exists which is currently available for determining SSI benefit amounts for a current month using any method other than RMA. **EFFECTIVE DATE:** These rules are effective July 7, 1997.

FOR FURTHER INFORMATION CONTACT: Henry D. Lerner, Legal Assistant, Division of Regulations and Rulings, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, (410) 965–1762 for information about