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#### Effective Date and Congressional Notification

11. In accordance with 5 U.S.C. 553(d)(3), the Commission finds that good cause exists to make this Final Rule effective immediately upon issuance. This Rule affects only the manner of filing under Part 294 of the Commission's regulations and eliminates the filing of copies with the Commission. The Commission further finds that a period of public comment on this rule is unnecessary. Under 5 U.S.C. 553(b), notice and comment procedures are unnecessary where a rulemaking concerns only agency procedures and practice, or where the agency finds that notice and comment is unnecessary. This rule concerns only the manner of filing under Part 294 of the Commission's regulations and eliminates the filing of copies with the Commission. It will not significantly affect regulated entities or the general public.

12. The provisions of 5 U.S.C. 801 regarding Congressional review of Final Rules does not apply to this Final Rule, because the rule concerns agency procedure and practice and will not substantially affect the rights of non-agency parties.

#### List of Subjects in 18 CFR Part 294

Filing requirements.

By the Commission.

Linda Mitry,

Deputy Secretary.

■ In consideration of the foregoing, the Commission amends Part 294, Chapter I, Title 18, *Code of Federal Regulations*, as follows.

#### PART 294—PROCEDURES FOR SHORTAGES OF ELECTRIC ENERGY CAPACITY UNDER SECTION 206 OF THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978

■ 1. The authority citation for Part 294 continues to read as follows:

**Authority:** 5 U.S.C. 553; 15 U.S.C. 791a-825r; 42 U.S.C. 7107-7352.

■ 2. Section 294.101 is amended by revising paragraph (e) to read as follows:

#### § 294.101 Shortages of electric energy and capacity.

\* \* \* \* \*

(e) *Reporting Procedure.* Any public utility that reports under this part must provide an electronic filing to this Commission at [emergency@ferc.gov](mailto:emergency@ferc.gov) and one copy to any state regulatory authority and firm power wholesale customers, unless otherwise required by the Commission.

\* \* \* \* \*

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#### SOCIAL SECURITY ADMINISTRATION

##### 20 CFR Part 404

[Regulation No. 4]

RIN 0960-AG27

#### Extension of the Expiration Date for Several Body System Listings

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

**ACTION:** Final rule.

**SUMMARY:** We use the Listing of Impairments (the listings) at the third step of the sequential evaluation process when we evaluate your claim for benefits based on disability under title II and title XVI of the Social Security Act (the Act). This final rule extends until July 3, 2006, the date on which listings for four body systems will no longer be effective and extends until July 2, 2007, the date on which the listings for eight body systems will no longer be effective.

Other than extending the date during which the listings will be effective, we have made no revisions to the listings; they remain the same as they now appear in the Code of Federal Regulations. This extension will ensure that we continue to have the medical evaluation criteria in the listings to adjudicate disability claims in these body systems at step three of the sequential evaluation process.

**DATES:** This final rule is effective on June 16, 2005.

**ADDRESSES:** The electronic file of this document is available on the date of publication in the **Federal Register** at <http://www.gpoaccess.gov/fr/index.html>. It is also available on the Internet site for SSA (*i.e.*, Social Security Online) at <http://policy.ssa.gov/pnpublic.nsf/LawsRegs>.

**FOR FURTHER INFORMATION CONTACT:** Robert Augustine, Social Insurance Specialist, Office of Regulations, Room 107, Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235-6401, (410) 965-0020 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 site, Social Security Online, at <http://www.socialsecurity.gov>.

**SUPPLEMENTARY INFORMATION:** We use the listings in appendix 1 to subpart P of part 404 at the third step of the sequential evaluation process to evaluate claims filed by adults and children for benefits based on disability under the title II and title XVI programs. The listings are in two parts. There are listings for adults (part A) and for children (part B). If you are an individual age 18 or over, we apply the listings in part A when we assess your claim, and we never use the listings in part B. If you are an individual under age 18, we first use the criteria in part B of the listings. If the listings in part B 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 20 CFR 404.1525 and 416.925).

In this final rule, we are extending until July 3, 2006, the date on which the listings for the following four body systems will no longer be effective:

Cardiovascular System (4.00 and 104.00)

Digestive System (5.00 and 105.00)

Genito-Urinary System (6.00 and 106.00)

Multiple Body Systems (110.00)

We are also extending until July 2, 2007, the date on which the listings for the following eight body systems will no longer be effective:

Growth Impairment (100.00)

Special Senses and Speech (2.00 and 102.00)

Respiratory System (3.00 and 103.00)

Hematological Disorders (7.00 and 107.00)

Endocrine System (9.00 and 109.00)

Neurological (11.00 and 111.00)

Mental Disorders (12.00 and 112.00)

Immune System (14.00 and 114.00)

As a result of medical advances in disability evaluation and treatment, and

our program experience, we periodically review and update the listings. We intend to publish proposed and final rules to update the listings as expeditiously as possible, and since we last extended the expiration date of the listings, we have published several notices of proposed rulemaking (or advance notices of proposed rulemaking). However, we will not be able to publish revised listings for these body systems by July 1, 2005, the current expiration date. Therefore, we are extending the current expiration date for these listings as indicated above.

In final rules published on June 20, 2003 (68 FR 36911), we extended to July 1, 2005, the date on which the listings for the following body systems would no longer be effective: Growth Impairment; Special Senses and Speech; Respiratory System; Cardiovascular System; Digestive System; Genito-Urinary System; Hemic and Lymphatic System; Skin; Endocrine System; Multiple Body Systems (110.00); Neurological; Mental Disorders; Neoplastic Diseases, Malignant; and Immune System.

Not all listings require effective date extensions at this time. For example, on June 19, 2000, we published final rules establishing a separate listing (Listing 10.06) for evaluating non-mosaic Down Syndrome in adults, and we created a multiple body systems listing section in the part A listings (10.00) (65 FR 31800). The part A multiple body systems listing will no longer be effective on June 19, 2008, unless it is extended or revised and promulgated again (65 FR at 31802). The expiration date for the part A multiple body systems listing is not affected by this final rule. On November 19, 2001, we published revised listings for the musculoskeletal body system (1.00 and 101.00) (66 FR 58010). The listings for the musculoskeletal body system will no longer be effective on February 19, 2009, unless they are extended or revised and promulgated again (66 FR at 58037). The expiration date for the musculoskeletal body system listings is not affected by this final rule. On June 9, 2004, we published revised listings for the skin disorders body system (8.00 and 108.00) (69 FR 32260). The listings for the skin disorders body system will no longer be effective on July 9, 2012, unless they are extended or revised and promulgated again (69 FR at 32262). The expiration date for the skin disorders body system listings is not affected by this final rule. On November 15, 2004, we published revised listings for the malignant neoplastic diseases body system (13.00 and 113.00) (69 FR 67018). The listings

for the malignant neoplastic diseases body system will no longer be effective on December 15, 2009, unless they are extended or revised and promulgated again (69 FR at 67019). The expiration date for the malignant neoplastic diseases body system is not affected by this final rule.

### 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 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 these body 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 these body system listings. However, without an extension of the expiration dates for these listings, we will lack regulatory criteria for assessing impairments in these body systems 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 impairments under these listings, we find that it is in the public interest to make this final rule effective on the date of publication.

#### *Executive Order 12866*

We have consulted with the Office of Management and Budget (OMB) and determined that this final rule does not meet the criteria for a significant regulatory action under Executive Order 12866, as amended by Executive Order 13258. We have also determined that this final rule meets the plain language

requirement of Executive Order 12866, as amended by Executive Order 13258.

#### *Regulatory Flexibility Act*

We certify that this final rule does not have a significant economic 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.

#### *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 25, 2005.

**Jo Anne 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 items 1, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, and 15 of the introductory text before part A to read as follows:

#### **Appendix 1 to Subpart P of Part 404—Listing of Impairments**

\* \* \* \* \*  
1. Growth Impairment (100.00): July 2, 2007.

\* \* \* \* \*  
3. Special Senses and Speech (2.00 and 102.00): July 2, 2007.

4. Respiratory System (3.00 and 103.00): July 2, 2007.

5. Cardiovascular System (4.00 and 104.00): July 3, 2006.  
 6. Digestive System (5.00 and 105.00): July 3, 2006.  
 7. Genito-Urinary System (6.00 and 106.00): July 3, 2006.  
 8. Hematological Disorders (7.00 and 107.00): July 2, 2007.

\* \* \* \* \*

10. Endocrine System (9.00 and 109.00): July 2, 2007.

11. Multiple Body Systems (10.00): June 19, 2008 and (110.00): July 3, 2006.

12. Neurological (11.00 and 111.00): July 2, 2007.

13. Mental Disorders (12.00 and 112.00): July 2, 2007.

\* \* \* \* \*

15. Immune System (14.00 and 114.00): July 2, 2007.

\* \* \* \* \*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[CGD08-05-039]

#### Drawbridge Operation Regulations; Corpus Christi—Port Aransas Channel—Tule Lake, Corpus Christi, TX

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Eighth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Tule Lake Vertical Lift Span Highway and Railroad Bridge across the Corpus Christi—Port Aransas Channel, mile 14.0, at Corpus Christi, Nueces County, TX. This deviation allows the bridge to remain closed to navigation for six hours each day for three consecutive days. This temporary deviation is necessary for the repair of the haul rope anchors of the drawbridge.

**DATES:** This deviation is effective from 8:30 a.m. on Tuesday, July 12, 2005, through 2:30 p.m. on Thursday, July 14, 2005.

**ADDRESSES:** Materials referred to in this document are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs Federal Building, room 1313, 500 Poydras Street, New Orleans, Louisiana 70130-3310 between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The

telephone number is (504) 589-2965. The Bridge Administration Branch of the Eighth Coast Guard District maintains the public docket for this temporary deviation.

**FOR FURTHER INFORMATION CONTACT:** Phil Johnson, Bridge Administration Branch, telephone (504) 589-2965.

**SUPPLEMENTARY INFORMATION:** The Port of Corpus Christi Authority has requested a temporary deviation in order to repair the haul rope anchors of the Tule Lake vertical lift span bridge across Corpus Christi—Port Aransas Channel, mile 14.0 at Corpus Christi, Nueces County, Texas. This temporary deviation will allow the bridge to remain in the closed-to-navigation position from 8:30 a.m. to 2:30 p.m. on Tuesday, July 12, on Wednesday, July 13, and on Thursday, July 14, 2005.

The bridge has a vertical clearance of 9.0 feet above mean high water, elevation 1.0 foot Mean Sea Level and 11.0 feet above mean low water, elevation - 1.0 foot Mean Sea Level in the closed-to-navigation position. Navigation at the site of the bridge consists mainly of oil tankers and tows with barges. Recreational vessels do not generally transit this segment of the waterway. Due to prior experience, as well as coordination with waterway users, it has been determined that this three-day partial closure will not have a significant effect on these vessels. The bridge normally opens to pass navigation an average of 850 times per month. The bridge opens on signal as required by 33 CFR 117.5. The bridge may not be able to open for emergencies during the closure period. Alternate routes are not available.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: June 9, 2005.

**Marcus Redford,**

*Bridge Administrator.*

[FR Doc. 05-11849 Filed 6-15-05; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[CGD13-05-020]

RIN 1625-AA09

#### Drawbridge Operation Regulations; Duwamish Waterway, Seattle, WA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard has temporarily changed the operating regulations for the First Avenue South dual drawbridges across the Duwamish Waterway, mile 2.5, at Seattle, Washington. The change allows the bridge owner to keep the bridges closed during night hours from July 15 to November 15, 2005, between 9 p.m. and 5 a.m. Sunday through Friday. This will facilitate painting the structures while properly containing debris and paint.

**DATES:** This rule is effective from 9 p.m. July 15, 2005, to 5 a.m. November 15, 2005.

**ADDRESSES:** Comments and material received from the public as well as documents referred to in this preamble as being available in the docket, are part of docket (CGD13-04-047) and are available for inspection or copying at 13th Coast Guard District, Aids to Navigation and Waterways Management Branch, 915 Second Avenue, Seattle, WA 98174-1067 between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Austin Pratt, Chief Bridge Section, (206) 220-7282.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory Information

On January 21, 2005, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulations; Duwamish Waterway, Seattle, Washington, in the **Federal Register** (70 FR 3168). We received no comments in response to the notice of proposed rulemaking. No public hearing was requested and none was held.

##### Background and Purpose

The dual First Avenue South bascule bridges provide 32 feet of vertical clearance above mean high water for the central 100 feet of horizontal distance in the channel spans. When the drawspans are open there is unlimited vertical clearance for the central 120 feet of the spans. Drawbridge openings are provided for recreational vessels, large