

documents, we will accept the summary of hospitalization(s) or other medical reports. This evidence should include details of the findings at surgery and, whenever appropriate, the pathological findings.

Once we determine that an impairment(s) exists, we evaluate its severity. As with any other medical condition, we will find that an impairment(s) caused by exposure to tremolite is a "severe" impairment(s) when, alone or in combination with another medically determinable physical or mental impairment(s), it significantly limits an individual's physical or mental ability to do basic work activities. When making a determination about whether an impairment(s) is severe, we will consider the effects of any symptoms (such as chest pain or complaints of shortness of breath on exertion) that could limit functioning.<sup>6</sup> We also recognize that limitations from impairments caused by exposure to tremolite may be more significant than would be expected based on objective findings alone. We will find that an impairment(s) is "not severe" only if it is a slight abnormality (or a combination of slight abnormalities) that has no more than a minimal effect on the individual's ability to do basic work activities.

If the individual does not have a medically determinable impairment that is "severe," we will find that the individual is not disabled. If the individual does have a "severe" impairment, we will go on to the next step.

*Step 3.* If an individual has a severe impairment(s), we next consider whether the impairment meets or medically equals a listing in the Listing of Impairments contained in appendix 1, subpart P of 20 CFR part 404.

*Chronic Pulmonary Insufficiency:* We evaluate chronic pulmonary insufficiency under listing 3.02. The listing contains criteria based on spirometry, single breath DLCO, or ABGS. Chronic pulmonary insufficiency caused by exposure to tremolite asbestos may not have findings at rest that satisfy these criteria. If exercise ABGS cannot be obtained in these situations, we evaluate the impairment(s) at step 4, and if necessary, step 5 of the sequential evaluation process.

*Cancer:* Malignant mesothelioma of the pleura meets listing 13.15A. Bronchogenic carcinoma meets listing

<sup>6</sup> See SSR 85-28, "Titles II and XVI: Medical Impairments That Are Not Severe" and SSR 96-3p, "Titles II and XVI: Considering Allegations of Pain and Other Symptoms In Determining Whether a Medically Determinable Impairment Is Severe."

13.14A if it is inoperable, unresectable, recurrent, or has metastasized to or beyond the hilar nodes.

If the individual has an impairment(s) that meets or medically equals the criteria of one of the foregoing listings or any other listing and meets the duration requirement, we will find that the individual is disabled. If not, we will continue with the sequential evaluation process.

*Residual Functional Capacity.* If we find that the impairment(s) does not meet or medically equal a listing, or if we do not have enough information for a determination or decision at Step 3, we will assess the individual's residual functional capacity (RFC).<sup>7</sup> We must consider all symptoms that result from the individual's impairments, including those symptoms that result from impairments that are not severe, when we evaluate how these symptoms affect the individual's functional capacity.<sup>8</sup>

In addition, if the individual's treating source<sup>9</sup> has provided an opinion about what the individual can still do despite his or her impairment, we will give this opinion controlling weight in determining the individual's RFC when the opinion is well-supported by objective medical evidence and is not inconsistent with the other substantial evidence in the case record.<sup>10</sup> Even if the treating source's opinion is not given "controlling weight" (for example it is not well-supported by objective medical evidence), the opinion is still entitled to deference and must be weighed using all of the factors in 20 CFR 404.1527 and 416.927. In many cases, a treating source's medical opinion will be entitled to the greatest weight and should be adopted even if it does not meet the test for "controlling weight."

*Steps 4 and 5.* After we determine the individual's RFC, we then proceed to the fourth and, if necessary, the fifth step of the sequential evaluation process.<sup>11</sup> If the individual can do past relevant work, we will determine that the individual is not disabled (step 4). If we determine that the individual's impairment(s) precludes the performance of past relevant work or if there was no past relevant work, a finding must be made about the

<sup>7</sup> See 20 CFR 404.1520(e) and 416.920(e).

<sup>8</sup> See SSR 96-7p, "Titles II and XVI: Evaluation of Symptoms in Disability Claims: Assessing the Credibility of an Individual's Statements" and SSR 96-8p, "Titles II and XVI: Assessing Residual Functional Capacity in Initial Claims."

<sup>9</sup> See 20 CFR 404.1502 and 416.902.

<sup>10</sup> See 20 CFR 404.1527 and 416.927; SSR 96-2p, "Titles II and XVI: Giving Controlling Weight To Treating Source Medical Opinions."

<sup>11</sup> See 404.1545 and 416.945.

individual's ability to adjust to other work (step 5). The usual vocational considerations must be applied in determining the individual's ability to adjust to other work.<sup>12</sup>

*Effective Date:* This Ruling is effective on the date of its publication in the **Federal Register**.

Cross-References: SSR 85-28, "Titles II and XVI: Medical Impairments That Are Not Severe," SSR 96-2p, "Titles II and XVI: Giving Controlling Weight To Treating Source Medical Opinions," SSR 96-3p, "Titles II and XVI: Considering Allegations of Pain and Other Symptoms in Determining Whether a Medically Determinable Impairment is Severe," SSR 96-7p, "Titles II and XVI: Evaluation of Symptoms in Disability Claims: Assessing the Credibility of an Individual's Statements," and SSR 96-8p, "Titles II and XVI: Assessing Residual Functional Capacity in Initial Claims."

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## DEPARTMENT OF STATE

[Public Notice 5420]

### United States Climate Change Science Program

The United States Climate Change Science Program requests expert review of the Working Group II contribution ("Climate Change 2007: Impacts, Adaptation, and Vulnerability") to the Intergovernmental Panel on Climate Change Fourth Assessment Report.

The Intergovernmental Panel on Climate Change (IPCC) was established by the United Nations Environment Programme (UNEP) and the World Meteorological Organization (WMO) in 1988. In accordance with its mandate and as reaffirmed in various decisions by the Panel, the major activity of the IPCC is to prepare comprehensive and up-to-date assessments of policy-relevant scientific, technical, and socio-economic information relevant for understanding the scientific basis of climate change, potential impacts, and options for mitigation and adaptation. The First Assessment Report was completed in 1990, the Second Assessment Report in 1995, and the Third Assessment Report in 2001. Three working group volumes and a synthesis report comprise the Fourth Assessment Report, with all to be finalized in 2007. Working Group I assesses the scientific

<sup>12</sup> See 20 CFR 404.1560-404.1569a and 416.960-416.969a.

aspects of the climate system and climate change; Working Group II assesses the vulnerability of socio-economic and natural systems to climate change, potential negative and positive consequences, and options for adapting to it; and Working Group III assesses options for limiting greenhouse gas emissions and otherwise mitigating climate change. These assessments are based upon the peer-reviewed literature and are characterized by an extensive and open review process involving both scientific/technical experts and governments before being accepted by the IPCC.

The IPCC Secretariat has informed the U.S. Department of State that the second-order draft of the Working Group II contribution to the Fourth Assessment Report is available for Expert and Government Review. The Climate Change Science Program Office (CCSPO) is coordinating collection of U.S. expert comments and the review of these collations by panels of Federal scientists and program managers to develop a consolidated U.S. Government submission. Instructions on how to format comments are available at <http://www.climatescience.gov/Library/ipcc/wg24ar-review.htm>, as is the document itself and other supporting materials. Comments must be sent to CCSPO by June 28, 2006 to be considered for inclusion in the U.S. Government collation. Comments submitted for potential inclusion or consideration as part of the U.S. Government Review should be reserved for that purpose, and not also sent to the IPCC Working Group II Technical Support Unit as a discrete set of expert comments.

Properly formatted comments should be sent to CCSPO at [wg24AR-USGreview@climatescience.gov](mailto:wg24AR-USGreview@climatescience.gov) by COB Tuesday, June 28, 2006. Include report acronym and reviewer surname in e-mail subject title to facilitate processing.

For further information, please contact David Dokken, U.S. Climate Change Science Program, Suite 250, 1717 Pennsylvania Ave., NW., Washington, DC 20006 (<http://www.climatescience.gov>).

Dated: May 9, 2006.

**Trigg Talley,**

*Office Director, Acting, Office of Global Change, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State.*

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**DEPARTMENT OF TRANSPORTATION**

**Federal Highway Administration**

**Environmental Impact Statement;  
Humboldt County, CA**

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of Intent.

**SUMMARY:** The FHWA is republishing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for the proposed highway project along U.S. Highway (Highway) 101 in Humboldt County, in the Cities of Eureka and Arcata, and the unincorporated area between the two cities, California. The original Notice of Intent (NOI) was published in the **Federal Register** on August 31, 2001, (Volume 66, Number 170, Pages 46061 & 46062). The NOI is being republished due to project changes of adding roadway rehabilitation work and new alternatives to the proposed project.

**FOR FURTHER INFORMATION CONTACT:** Leland Dong, Team Leader—North Region, Federal Highway Administration, 650 Capitol Mall, Suite 4-100, Sacramento, CA 95814-4708, telephone (916) 498-5860 or Kim Floyd, California Department of Transportation Project Manager, P.O. Box 3700, Eureka, CA 95502-3700, telephone (707) 441-5739.

**SUPPLEMENTARY INFORMATION:** U.S. Highway 101 is part of the National Highway System and is a principal arterial route. The route is often referred to as the “lifeline of the North Coast” since it is the California north coast’s most important interregional route, serving as the connector to the Santa Rosa/San Francisco metropolitan areas to the south and the State of Oregon to the north. It is heavily used for the transportation of intercity/intestate commerce as well as being the principal route to many north coast recreational areas including State and National parks, rivers, ocean fishing, and beach areas. North of San Francisco, it is the second most heavily traveled non-freeway segment on Highway 101 within California.

The proposed project limits extend from just north of the Eureka Slough Bridge in the City of Eureka to the 11th Street over crossing in the City of Arcata along the Highway 101 corridor from KP 128.6 to KP 138.9 (PM 79.9 to PM 86.3) in Humboldt County. The existing Highway 101 corridor within these limits consists of two one-way arterials, a four-lane expressway, and a four-lane freeway.

The proposed Eureka-Arcata Corridor Improvement Project consists of the following:

- Realign and signalize Airport Road/Highway 101,
- Realign the intersection of Jacobs Road with Airport Road,
- Construct a third northbound lane from Cole Avenue to Mid City Motors,
- Close median crossings and acceleration and deceleration lanes (remove existing pavement) at Mid City Motors, Green Diamond sawmill, Bracut, and Bayside Cutoff,
- Construct a compact diamond interchange at Indianola Cutoff,
- Extend existing right side acceleration and deceleration lanes,
- Reconstruct access ramps at existing Highway 101/Route 255 Interchange,
- Pave median and install concrete barrier from South G Street to 11th Street in Arcata,
- Replace southbound Jacoby Creek Bridge,
- Widen northbound Jacoby Creek and Gannon Slough bridges for standard shoulder widths and upgraded bridge rails,
- Provide minor shoulder widening,
- Place shoulder backing material,
- Overlay pavement with asphalt concrete (AC) with open graded AC surfacing,
- Install thrie-beam median barrier from Eureka Slough Bridge to Airport Road,
- Install upgraded lighting,
- Replace tide gates and,
- Remove all trees not currently protected by barrier, within nine meters (30-feet) of the Highway 101 edge of traveled way (white pavement stripes) within the project limits.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have an interest in this proposal.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. The views of agencies, which may have knowledge about historic resources potentially affected by the proposal or interest in the effects of the proposal on historic properties, are specifically solicited. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address previously provided in this notice:

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research,