

an arrival extension and should be a part of the Class D surface area. The revised altitude of 2,400 feet MSL will provide aircraft the opportunity to operate over Torrance Class D airspace at 2,500 feet MSL and above without having to obtain permission from Torrance Airport Traffic Control Tower. This is a commonly used altitude in this area for aircraft flying off shore to avoid the Los Angeles Class B airspace FAA. Class D airspace areas are published in Paragraph 5000 and Class E4 airspace areas are published in Paragraph 6004 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be subsequently removed from this order. After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require adoption of the rule. The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on March 25, 1999.

No adverse comments were received, and thus this document gives notice that this direct final rule will become effective on the revised date of May 20, 1999.

Issued in Los Angeles, California on March 5, 1999.

Ronald J. Popper,

*Acting Manager, Air Traffic Division,
Western-Pacific Region.*

[FR Doc. 99-6941 Filed 3-19-99 8:45 am]

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DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Chapter I

[T.D. 99-27]

RIN 1515-AB84

Technical Corrections Regarding Customs Organization

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document makes final, with certain technical corrections, the

interim amendments to the Customs Regulations that reflected Customs new organizational structure. The changes are nonsubstantive or merely procedural in nature.

EFFECTIVE DATE: These changes are effective March 22, 1999.

FOR FURTHER INFORMATION CONTACT: Jerry Laderberg, Entry and Carrier Rulings Branch, Office of Regulations and Rulings (202) 927-2077, or Gregory R. Vilders, Regulations Branch, Office of Regulations and Rulings (202) 927-2340.

SUPPLEMENTARY INFORMATION:

Background

On September 27, 1995, Customs published interim regulations in the **Federal Register** (T.D. 95-77 at 60 FR 50008 and T.D. 95-78 at 60 FR 50020) to implement its new field organization, effective for fiscal year 1996. Because the regulations concerned matters related to agency management and personnel, notice, public procedure, and a delayed effective date were not necessary, and the regulations became effective on October 1, 1995. Even though notice and public procedure were not required, Customs did solicit comments on the interim regulations. The comment period closed November 27, 1995. Only one comment was received, which addressed a very narrow issue concerning brokers' permits. The comment received and Customs response are set forth below.

Discussion of Comment

Comment: The one comment received questioned why Customs stated in the BACKGROUND portion of the interim regulations (T.D. 95-77) that it was eliminating, for the most part, districts and regions from its field organization to place more emphasis on field operations, and then retained this distinction for purposes of brokers' permits. The commenter urged that the 20 Customs Management Centers' geographical boundaries be adopted as the basis for issuing broker permits, rather than use the Service Port boundaries. The commenter objected to the continued use of the terms "district" and "region" for the limited purposes of regulating the permitting of customs brokers (part 111 of the Customs Regulations) and carriers, cartmen, and lightermen (part 112 of the Customs Regulations), as not being within the spirit of Customs reorganization or the National Performance Review.

Customs Response: Customs does not agree with this assessment. As more fully stated in the BACKGROUND portion of the interim regulations,

districts and regions will still exist as geographical descriptions for limited purposes such as for broker permits and certain cartage and lighterage purposes. In the case of brokers, Customs decided to preserve the district permit and region waiver procedures because these procedures are mandated by statute (see, 19 U.S.C. 1641). Also, during the course of the reorganization, Customs consulted with the Customs brokerage industry and was informed that the industry's preference, in the short-term, was to retain the current scheme until it had time to assess the effects of both the new field structure and the automation initiatives made pursuant to the Customs Modernization provisions of the North American Free Trade Agreement Implementation Act (provisions pertaining to the National Customs Automation Program are at 19 U.S.C. 1411). Customs believes that its consultation with the Customs brokerage industry was in the spirit of Customs reorganization and the National Performance Review. Accordingly, at this time no further change to the Customs Regulations is made based on the comment received.

Changes to Interim Regulations

In reviewing the interim regulations, Customs finds that further changes to 95 sections of the regulations must be made to correct grammatical and nomenclature errors. Following is a summary of those changes.

Further nomenclature changes are made to more than 80 sections and Appendices: §§ 4.14, 4.80a, 4.80b, 10.5, 10.37, 10.39, 12.8, 12.39, 18.8, 18.21, 101.3, 103.0, 103.1, 103.5, 103.7, 103.9, 103.31, 111.13, 111.19, 111.95, 111.96, 113.14, 113.15, 113.38, 113.39, 115.11, 115.13, 115.30, 115.40, 115.51, 115.65, 122.14, 122.165, 122.176, 125.42, 132.14, 133.2, 133.12, 133.32, 134.54, 145.4, 146.2, 146.4, 146.6, 146.83, 162.32, 162.42, 162.44 through 162.50, 162.52, 162.64, 162.65, 162.71, 162.72, 162.74 through 162.79, 162.79b, 171.12, 171.15, 171.21 through 171.23, 171.31, 171.33, and 171.52, Appendices A-C to Part 171, §§ 172.2, 172.12, 172.21, 172.22, 172.31, 172.33, 175.25, 177.2, and 177.26. These changes, for the most part, continue the conversion of "district director" to "port director" or to "Fines, Penalties, and Forfeitures Officer", replace an obsolete term ("collector") with "port director", replace the Office of Inspection and Control with the Office of Field Operations, and further inform the public of responsible offices and personnel, e.g., "Disclosure Law Officer" for Regulations and Disclosure Law Branch. Since publication of the

interim regulations, Customs Headquarters has been relocated from 1301 Constitution Avenue to 1300 Pennsylvania Avenue in Washington, D.C. Accordingly, this street address change is made to the 19 sections where a writing address is provided. The change to the ports-of-entry listing at § 101.3 entails moving the listing for "Longview" from Oregon to Washington, which is where the port is physically located. Also, a change is made to § 103.1 to show the correct street address for the Boston reading room facility where public documents are maintained.

Grammatical changes to make the text read more clearly are made to 9 sections: §§ 4.41, 10.172, 19.2, 19.3, 19.40, 24.4, 24.36, 101.0, and 101.4. Most of these changes are in the form of substituting prepositional phrases, *i.e.*, replacing "in" with "at" or removing redundant references to port directors at ports.

Inapplicability of the Delayed Effective Date Requirement, the Regulatory Flexibility Act, and Executive Order 12866

Inasmuch as these amendments merely advise the public of Customs field and Headquarters organization, and make certain technical corrections to the organization that is currently in place under interim regulations, it is determined that good cause exists under the provisions of 5 U.S.C. 553(d)(2) and (3) for dispensing with the requirement for a delayed effective date. Because no notice of proposed rulemaking was required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply. This document does not meet the criteria for a "significant regulatory action" as specified in Executive Order 12866.

Drafting Information. The principal author of this document was Gregory R. Vilders, Attorney, Office of Regulations and Rulings, Regulations Branch. However, personnel from other offices participated in its development.

List of Subjects

19 CFR Part 101

Customs duties and inspection, Customs ports of entry, Exports, Foreign trade statistics, Imports, Organization and functions (Government agencies), Reporting and recordkeeping requirements.

19 CFR Part 132

Agriculture and agricultural products, Customs duties and inspection, Quotas.

19 CFR Part 146

Customs duties and inspection, Entry, Foreign trade zones, Imports, Reporting and recordkeeping requirements.

Amendments to the Regulations

As discussed in the preamble and under the authority of 19 U.S.C. 66 and 1624, the interim rule amending 19 CFR parts 4, 19, 24, 101, 103, 111, 112, 113, 118, 122, 127, 141, 142, 146, and 174 of the Customs Regulations (19 CFR 4, 19, 24, 101, 103, 111, 112, 113, 118, 122, 127, 141, 142, 146, and 174), published on September 27, 1995, in the **Federal Register** at 60 FR 50008, and the interim rule amending chapter I of the Customs Regulations (19 CFR chapter I) published on September 27, 1995, in the **Federal Register** at 60 FR 50020, are adopted as final with the following changes:

PART 101—GENERAL PROVISIONS

1. The authority citation for part 101 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 2, 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States), 1623, 1624.

§ 101.3 [Amended]

2. Section 101.3(b)(1) is amended by removing the entry for "Longview" under the state of Oregon and adding it, in appropriate alphabetical order, under the state of Washington.

§ 101.4 [Amended]

3. In § 101.4(d), the last sentence is amended by removing the words "in a port" and adding the word "local" before the words "port director".

PART 132—QUOTAS

1. The general authority citation for part 132 continues to read as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States (HTSUS)), 1623, 1624.

* * * * *

§ 132.14 [Amended]

2. In § 132.14(a)(4):

a. The introductory text of paragraph (a)(4)(i) is amended by removing the words "the port director";

b. Paragraph (a)(4)(i)(A) is amended by removing the word "May" and adding, in its place, the words "The port director may" and by removing the comma at the end and adding, in its place, a semicolon;

c. Paragraph (a)(4)(i)(B) is amended by removing the word "Shall" and adding, in its place, the words "The port

director shall" and by removing the word "and" at the end and adding, in its place, a semicolon;

d. Paragraph (a)(4)(i)(C) is amended by removing the word "May" and adding, in its place, the words "The port director may" and by removing the period at the end and adding, in its place, a semicolon followed by the word "and";

e. The introductory text of paragraph (a)(4)(ii) is amended by removing the words "the port director";

f. Paragraph (a)(4)(ii)(A) is amended by removing the word "Shall" and adding, in its place, the words "The port director shall" and by removing the word "and" at the end and adding, in its place, a semicolon; and

g. Paragraph (a)(4)(ii)(B) is amended by removing the word "May" and adding, in its place, the words "The port director may" and by removing the period at the end and adding, in its place, a semicolon followed by the word "and".

PART 146—FOREIGN TRADE ZONES

1. The authority citation for part 146 continues to read as follows:

Authority: 19 U.S.C. 66, 81a–81u, 1202 (General Note 20, Harmonized Tariff Schedule of the United States), 1623, 1624.

2. Section 146.1(b) is amended by removing the numerical designation for each paragraph, alphabetizing the 23 existing entries, and by adding, in appropriate alphabetical order, the following definition:

§ 146.1 Definitions.

* * * * *

(b) * * *

Port Director. For those foreign trade zones located within the geographical limits of a port of entry, the term "port director" means the director of that port of entry. For those foreign trade zones located outside the geographical limits of a port of entry, the term "port director" means the director of the port of entry geographically nearest to where the foreign trade zone is located.

* * * * *

3. In the list below, for each section indicated in the left column, remove the words indicated in the middle column from wherever they appear in the section, and add, in their place, the words indicated in the right column; when there are no replacement words, the "Add" column will be blank:

Section	Remove	Add
4.14(b)(2)(ii), (d)(1)(v), and (d)(2)(iii)	Entry and Carrier Rulings	Entry Procedures and Carriers
4.41(b) and (c)	in which	where
4.80a(d)	Entry and Carrier Rulings	Entry Procedures and Carriers
4.80b(b)	Entry and Carrier Rulings	Entry Procedures and Carriers
10.5 heading	district director's	port director's
10.37 third sentence	Tariff Classification Appeals	Commercial Rulings
10.37 fourth sentence	the port directors	a Fines, Penalties, and Forfeitures Officer's
10.39(d)(1) first sentence, and (e) second sentence.	port director	Fines, Penalties, and Forfeitures Officer
10.39(d)(1) second sentence, (e) introductory text, (e)(1)–(3), and (f).	Fines, Penalties, and Forfeiture Officer	Fines, Penalties, and Forfeitures Officer
10.172	port director	the port director
12.8(b)	port director	Fines, Penalties, and Forfeitures Officer
12.39(b)(4)	the district directors	port directors
18.8(d) and (e)(2) last sentence	Fines, Penalties, and Forfeiture Officer	Fines, Penalties, and Forfeitures Officer
18.21(c)	collector	port director
19.2(a)	port director wherein	director of the port nearest to where
19.3(a)	at a port	
	in which	nearest to where
19.40(b) first sentence	at a port	
	in which the facility is located	in which the facility is located, or if not within a port's limits, nearest to where the facility is located
24.4(h)(2) and (3)	in any port	at any port
24.36(e)(2)	in the same	at the same
101.0	and of	and
101.4(a) and (b)	in which such station or place is located	under whose jurisdiction the station or place falls
103.0	a disclosure law officer, the director of a service port, or the local public information officer.	the appropriate field officer
103.1	1301 Constitution	1300 Pennsylvania
	Boston, 100 Summer Street, Suite 1819, Boston, Massachusetts 02110.	Boston, 10 Causeway Street, Boston, Massachusetts 02222
103.5(d)	1301 Constitution	1300 Pennsylvania
103.5(d)(2) heading	Service ports	Field offices
103.5(d)(2)	at which	, or if the records concern the Office of Investigations, the special agent in charge, where
103.7(a)	1301 Constitution	1300 Pennsylvania
103.9(b)	1301 Constitution	1300 Pennsylvania
103.31(d)(1)(iii)	1301 Constitution	1300 Pennsylvania
103.31(d)(1)(iv)	Regulations and Disclosure Law Branch	Disclosure Law Officer
103.31(d)(2)(iii)	1301 Constitution	1300 Pennsylvania
111.13(b)	at each district office	
111.19(d)	Trade Compliance Division	Office of Field Operations
111.95	Fines, Penalties, and Forfeiture Officer or other Customs Service.	Fines, Penalties, and Forfeitures Officer
111.96(c)	at each port in which a broker has a permit to do business.	at the port through which the broker was granted the permit
113.14	Tariff Classification Appeals	International Trade Compliance
113.15	Tariff Classification Appeals	International Trade Compliance
113.38(c)(1)	Tariff Classification Appeals	International Trade Compliance
113.38(c)(4)	Commercial Rulings	International Trade Compliance
113.39 introductory text, (a), and (a)(5).	port director	port director or Fines, Penalties, and Forfeitures Officer
113.39(a) introductory text	Tariff Classification Appeals	International Trade Compliance
113.39(b)	district director and regional commissioner	port director and Fines, Penalties, and Forfeitures Officer
	Commercial Rulings	International Trade Compliance
115.11(b)	Inspection and Control, 1301 Constitution	Field Operations, 1300 Pennsylvania
115.13 introductory text	Inspection and Control, 1301 Constitution	Field Operations, 1300 Pennsylvania
115.30	Inspection and Control, 1301 Constitution	Field Operations, 1300 Pennsylvania
115.40	Inspection and Control, 1301 Constitution	Field Operations, 1300 Pennsylvania
115.51	Inspection and Control, 1301 Constitution	Field Operations, 1300 Pennsylvania
115.65	Inspection and Control, 1301 Constitution	Field Operations, 1300 Pennsylvania
122.14(a)(1)	regional commissioner, or his representative, of the region in.	director of the port, or his representative, at the port nearest to
122.165(b)	Entry and Carrier Rulings	Entry Procedures and Carriers
122.176(c) and (d)	Inspection and Control	Field Operations
125.42	Fines, Penalties, and Forfeiture Officer	Fines, Penalties, and Forfeitures Officer
132.14(a)(4)(i)(D) and (a)(4)(ii)(C)	port director	Fines, Penalties, and Forfeitures Officer
133.2 introductory text	1301 Constitution	1300 Pennsylvania
133.12 introductory text	1301 Constitution	1300 Pennsylvania
133.32 introductory text	1301 Constitution	1300 Pennsylvania
134.54(b) and (c)	Fines, Penalties, and Forfeiture Officer	Fines, Penalties, and Forfeitures Officer
145.4(b) and (d)	Fines, Penalties, and Forfeiture Officer	Fines, Penalties, and Forfeitures Officer

Section	Remove	Add
146.2	port director where the zone is located	appropriate port director
146.4(h)	port limits	district boundaries
146.6(a) first sentence	geographically nearest to where the zone is located	
146.83(a)	Tariff Classification Appeals	International Trade Compliance
162.32(a) and (c)	port director	Fines, Penalties, and Forfeitures Officer
162.42	port director	Fines, Penalties, and Forfeitures Officer
162.44(a)	director of	Fines, Penalties, and Forfeitures Officer having jurisdiction at
162.44(b)(1), (b)(1)(ii), (b)(2), and (c)	port director	Fines, Penalties, and Forfeitures Officer
162.45(a)(3) and (4) and (c)	port director	Fines, Penalties, and Forfeitures Officer
162.45(b)(1)	in the Customs district and the judicial district in which.	circulated at the Customs port and in the judicial district where
162.45(b)(2)	and in the customhouse at the headquarters port for the Customs district	
162.45a	port director	Fines, Penalties, and Forfeitures Officer
162.46(c)(1)	port director	Fines, Penalties, and Forfeitures Officer
162.46(d)	port director	Fines, Penalties, and Forfeitures Officer
162.47(a), (d), and (e)	port director	Fines, Penalties, and Forfeitures Officer
162.48(a)	port director	Fines, Penalties, and Forfeitures Officer
162.49(a)	port director	Fines, Penalties, and Forfeitures Officer
162.50(a)	port director	Fines, Penalties, and Forfeitures Officer
162.50(b) heading	districts	ports
162.50(b)	in another Customs district	at another port
	in such other district	at such other port
162.52(b)(2)	port director	Fines, Penalties, and Forfeitures Officer
162.52(b)(4)	port director	Fines, Penalties, and Forfeitures Officer
162.64	director of the port	Fines, Penalties, and Forfeitures Officer having jurisdiction
162.65(c), (d), (e) introductory text, and (e)(1).	port director	Fines, Penalties, and Forfeitures Officer
162.71(e)(4)	port director	Fines, Penalties, and Forfeitures Officer
162.72(a)	port director	Fines, Penalties, and Forfeitures Officer
162.74(a)(2)	Fines, Penalties and Forfeitures Officer	Fines, Penalties, and Forfeitures Officer
	Fines, Penalties and Forfeiture Officer	Fines, Penalties, and Forfeitures Officer
162.74(b), (c), (e), and (f)	Fines, Penalties and Forfeitures Officer	Fines, Penalties, and Forfeitures Officer
162.75(c), (d)(1), (d)(2) introductory text, (d)(2)(i), and (d)(3).	port director	Fines, Penalties, and Forfeitures Officer
162.76(a)	port director	Fines, Penalties, and Forfeitures Officer
162.77(a)	port director	Fines, Penalties, and Forfeitures Officer
162.78(a), (b), and (d)	port director	Fines, Penalties, and Forfeitures Officer
162.79(a) and (b)(1)	port director	Fines, Penalties, and Forfeitures Officer
162.79b	port director	Fines, Penalties, and Forfeitures Officer
171.12(a) and (e)	Fines, Penalty, and Forfeiture Officer	Fines, Penalties, and Forfeitures Officer
171.15(a) introductory text	Fines, Penalty, and Forfeiture Officer	Fines, Penalties, and Forfeitures Officer
171.15(a)(4)	1301 Constitution	1300 Pennsylvania
171.15(a)(4) and (7)	Fines, Penalties and Forfeiture Officer	Fines, Penalties, and Forfeitures Officer
171.21 heading and text	Fines, Penalty, and Forfeiture Officer	Fines, Penalties, and Forfeitures Officer
171.22 heading and text	Fines, Penalty, and Forfeiture Officer	Fines, Penalties, and Forfeitures Officer
171.23	1301 Constitution	1300 Pennsylvania
171.31	Fines, Penalty, and Forfeiture Officer	Fines, Penalties, and Forfeitures Officer
171.33(a) introductory text, (b)(1) heading and text, (b)(2), and (c).	Fines, Penalty, and Forfeiture Officer	Fines, Penalties, and Forfeitures Officer
171.52(d)	Fines, Penalty, and Forfeiture Officer	Fines, Penalties, and Forfeitures Officer
Part 171 Appendix A: III, 9	Fines, Penalty, and Forfeiture Officer	Fines, Penalties, and Forfeitures Officer
Part 171 Appendix B: (D)(1), (5), and (6).	Fines, Penalty, and Forfeiture Officer	Fines, Penalties, and Forfeitures Officer
Part 171 Appendix B: (D)(6)	Fines, Penalty, and Forfeiture Officer's	Fines, Penalties, and Forfeitures Officer's
Part 171 Appendix C: I.A., I.D. and Note to I.D..	Fines, Penalty, and Forfeiture Officer	Fines, Penalties, and Forfeitures Officer
Part 171 Appendix C: I.D. Note and I.G.	Director, International Trade Compliance Division ...	Chief, Penalties Branch, Customs Headquarters
Part 171 Appendix C: I.E.	Trade Operations	Trade Compliance
	Regulatory Procedures and Penalties	International Trade Compliance
Part 171 Appendix C: I.G.	Fines, Penalty, and Forfeiture Officer	Fines, Penalties, and Forfeitures Officer
Part 171 Appendix C: XIII	Field Operations Division, Office of Trade Operations.	Office of Trade Compliance at Headquarters
172.2	Fines, Penalty, and Forfeiture Officer	Fines, Penalties, and Forfeitures Officer
172.12(a)	Fines, Penalty, and Forfeiture Officer	Fines, Penalties, and Forfeitures Officer
172.12(b)(1)	Fines, Penalty, and Forfeiture Officer	Fines, Penalties, and Forfeitures Officer
172.21 heading	Fines, Penalty, and Forfeiture Officer	Fines, Penalties, and Forfeitures Officer
172.21	port director	Fines, Penalties, and Forfeitures Officer
172.22 heading, (b)(3) introductory text, (b)(3)(ii), (d)(2) and (4).	Fines, Penalty, and Forfeiture Officer	Fines, Penalties, and Forfeitures Officer
172.22(a)	Fines, Penalty, and Forfeiture Officers	Fines, Penalties, and Forfeitures Officers

Section	Remove	Add
172.31(a)	Fines, Penalty, and Forfeiture Officer	Fines, Penalties, and Forfeitures Officer
172.33(a) introductory text, (b)(1) heading and text, (b)(1)(ii), (b)(2), and (c)(1).	Fines, Penalty, and Forfeiture Officer	Fines, Penalties, and Forfeitures Officer
175.25(c)	district director	port director
177.2(b)(2)(ii)(C)	Tariff Classification Appeals	Commercial Rulings
177.26	1301 Constitution	1300 Pennsylvania

Raymond W. Kelley,
Commissioner of Customs.

Approved: February 17, 1999.

John P. Simpson,
Deputy Assistant Secretary of the Treasury.
[FR Doc. 99-6639 Filed 3-19-99; 8:45 am]
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SOCIAL SECURITY ADMINISTRATION

20 CFR Parts 404 and 416

RIN 0960-AF01

Administrative Review Process; Prehearing Proceedings and Decisions by Attorney Advisors; Extension of Expiration Date

AGENCY: Social Security Administration.
ACTION: Final Rules.

SUMMARY: These final rules extend the time period set out in our regulations during which attorney advisors in our Office of Hearings and Appeals (OHA) may conduct certain prehearing proceedings and, where the documentary record developed as a result of these proceedings warrants, issue decisions that are wholly favorable to the parties to the hearing in claims for Social Security or Supplemental Security Income (SSI) benefits based on disability. We are extending the date at which these rules will no longer be effective from April 1, 1999, until April 1, 2000. We are making no other changes to the rules.

EFFECTIVE DATE: These rules are effective March 22, 1999.

FOR FURTHER INFORMATION CONTACT: Harry J. Short, Legal Assistant, Office of Process and Innovation Management, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965-6243 for information about these rules. For information on eligibility or claiming benefits, call our national toll-free number, 1-800-772-1213.

SUPPLEMENTARY INFORMATION: On June 30, 1995, in an action undertaken to reduce the record numbers of requests for an administrative law judge (ALJ) hearing pending in our OHA hearing offices, we published final rules in the

Federal Register (60 FR 34126) that authorize OHA's attorney advisors to conduct certain prehearing proceedings and, if a decision that is wholly favorable to the parties to the hearing may be issued at the completion of these proceedings, to issue such a decision. These regulations, which are codified at 20 CFR §§ 404.942 and 416.1442, included a provision stating that the rules would no longer be effective on June 30, 1997, unless the Commissioner of Social Security extended the expiration date of the provisions by publication of a final rule in the **Federal Register**. We subsequently published final rules in the **Federal Register** on June 30, 1997 (62 FR 35073), and June 30, 1998 (63 FR 35515), extending the date on which §§ 404.942 and 416.1442 would no longer be effective to July 1, 1998, and then to April 1, 1999.

In order to continue to maximize our ability to meet our hearing production goals, we have decided to extend the date on which these rules will no longer be effective from April 1, 1999, to April 1, 2000. The final rules amend the sunset provision in §§ 404.942 and 416.1442 (which expressly provides for extending the expiration date of those sections) to provide that the provisions authorizing prehearing proceedings and decisions by attorney advisors will no longer be effective on April 1, 2000, unless the provisions are extended by the Commissioner of Social Security by publication of a final rule in the **Federal Register**.

Regulatory Procedures

Pursuant to section 702(a)(5) of the Social Security Act, 42 U.S.C. 902(a)(5), 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 these rules

only extend the date on which the regulatory provisions concerning prehearing proceedings and decisions by attorney advisors will no longer be effective. These rules make no substantive change to those provisions. The current regulations expressly provide that the provisions may be extended. Therefore, opportunity for prior comment is unnecessary, and we are issuing these regulations as final rules.

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 the provisions on prehearing proceedings and decisions by attorney advisors. However, without a timely extension of the expiration date for these provisions, we will lack regulatory authority beginning April 1, 1999, to have OHA attorney advisors conduct certain prehearing proceedings and issue fully favorable decisions where appropriate under the rules. In order to provide for an uninterrupted continuance of that authority for the additional period we believe appropriate, and to ensure that we retain the ability to manage the hearings process appropriately, we find that it is in the public interest to make these rules effective upon publication.

Executive Order 12866

We have consulted with the Office of Management and Budget (OMB) and determined that these rules do not meet the criteria for a significant regulatory action under Executive Order 12866. Thus, the rules are not subject to OMB review.

Regulatory Flexibility Act

We certify that these regulations will not have a significant economic impact on a substantial number of small entities because they affect only individuals. Therefore, a regulatory flexibility analysis as provided in the Regulatory Flexibility Act, as amended, is not required.