

Koch Gateway Pipeline Company
 Lakehead Pipe Line Company, L.P.
 Missouri Public Service Commission
 Mobil Pipe Line Company
 National Rural Electric Cooperative
 Association
 Natural Gas Supply Association
 New York State Electric & Gas Corporation
 Oil Pipeline Shipper Group
 Piedmont Natural Gas Company, Inc.
 Pipeline Customer Coalition
 ProLiance Energy, LLC
 Public Utilities Commission of the State of
 California
 Railroad Commission of Texas
 Refinery Holding Company, L.P.
 Southern Companies
 TAPS Carriers
 Transmission Dependent Utility Systems
 United States Department of Agriculture—
 Rural Utilities Service
 Utility Coalition
 Williams Companies, Inc.
 Wisconsin Distributor Group and Northern
 Distributor Group

[FR Doc. 99-8518 Filed 4-7-99; 8:45 am]

BILLING CODE 6717-01-P

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 404

[Regulations No. 4]

RIN 0960-AE03

Maximum Family Benefits in Guarantee Cases

AGENCY: Social Security Administration.
ACTION: Final rule.

SUMMARY: This final rule amends our regulations to reflect section 310 of the Social Security Independence and Program Improvements Act of 1994. Section 310 provides that the guaranteed primary insurance amount is to be used in establishing the maximum family benefit.

EFFECTIVE DATE: This final rule is effective April 8, 1999.

FOR FURTHER INFORMATION CONTACT: Bill Hilton, Social Insurance Specialist, Office of Program Benefits, Social Security Administration, 3-D-25-Operations Building, 6401 Security Boulevard, Baltimore, MD 21235-6401, 410-965-2468 or TTY 410-966-5609. For information on eligibility, claiming benefits or coverage of earnings, call our national toll-free number, 1-800-772-1213 or TTY 1-800-325-0778.

SUPPLEMENTARY INFORMATION: The 1977 Amendments to the Social Security Act provided a guarantee for those receiving benefits on the Social Security record of an insured individual who received disability benefits at some earlier time, then stopped receiving disability benefits, and subsequently has become

entitled to retirement or disability benefits or has died. This subsequent entitlement guarantee provides that the basic benefit amount, called the primary insurance amount, of the insured individual cannot be less than the primary insurance amount in effect in the last month of the insured individual's prior entitlement to disability benefits, increased under certain circumstances by any cost-of-living or general benefit increase since that time. This primary insurance amount guarantee is described in §§ 404.250 through 404.252 of our regulations.

The primary insurance amount guarantee of the 1977 Amendments, however, did not extend to the maximum family benefit payable on the insured individual's record, which is based on the primary insurance amount. (The maximum family benefit is a limit on the total amount of monthly benefits which may be paid for any month to an insured individual and his or her dependents or survivors.) Thus, we were computing the family maximum for subsequent entitlement using either the insured individual's eligibility year of the prior entitlement to disability or the current eligibility year. As a result, the maximum family benefit which is payable when the insured individual becomes reentitled to benefits or dies may be less than the maximum family benefit payable in the last month of the insured individual's prior entitlement to disability benefits.

Section 310 of Pub. L. 103-296, the Social Security Independence and Program Improvements Act of 1994, amended the Social Security Act so that the guaranteed primary insurance amount would be the basis for calculating the guaranteed maximum family benefit under a subsequent entitlement. The amendments made by section 310 also provide that, where the subsequent entitlement is to retirement or survivor benefits, we will determine the applicable maximum family benefit without applying the disability maximum family benefit cap described in § 404.403(d-1) of our regulations. The amendments made by section 310 apply when determining the total monthly benefits to which beneficiaries may be entitled based on the wages and self-employment income of an insured individual who, after having been previously entitled to disability insurance benefits, becomes entitled to retirement benefits, becomes reentitled to disability insurance benefits, or dies, after December 1995. Section 310 was effective for the maximum family benefit of workers who become reentitled to benefits or die (after

previously having been entitled) after December 1995. We have followed this statutory amendment since it became effective. We are now amending § 404.403 of our regulations by adding paragraph (g) to reflect the changes made by section 310.

Regulatory Procedures

Justification For Final Rules

Pursuant to section 702(a)(5) of the Social Security Act, 42 U.S.C. 902(a)(5), the Social Security Administration 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 prior 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 prior notice and public comment procedures in this case. This regulation simply reflects statutory changes and does not involve the making of any discretionary policy. Therefore, opportunity for prior comment is unnecessary and we are issuing this change to our regulations as a final rule.

We also 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, this regulation merely reflects a self-executing statutory change that has its own effective date. We believe it would be misleading and contrary to the public interest for the regulation to show a later effective date, because we must compute benefits as directed by the statute in all cases.

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. Thus, it was not subject to OMB review. We have also determined that these rules meet the plain language requirement of Executive Order 12866 and the President's memorandum of June 1, 1998.

Paperwork Reduction Act

This final regulation imposes no new reporting/recordkeeping requirements subject to OMB clearance.

Regulatory Flexibility Act

We certify that this final regulation will 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.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security-Disability Insurance; 96.002, Social Security-Retirement Insurance; and 96.004, Social Security-Survivors Insurance)

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: March 30, 1999.

Kenneth S. Apfel,

Commissioner of Social Security.

For the reasons set out in the preamble, we are amending subpart E of part 404 of chapter III of title 20 of the Code of Federal Regulations as set forth below:

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950—)

Subpart E—[Amended]

1. The authority citation for subpart E of part 404 continues to read as follows:

Authority: Secs. 202, 203, 204(a) and (e), 205(a) and (c), 222(b), 223(e), 224, 225, and 702(a)(5) of the Social Security Act (42 U.S.C. 402, 403, 404(a) and (e), 405(a) and (c), 422(b), 423(e), 424a, 425, and 902(a)(5)).

2. Section 404.403 is amended by adding paragraph (g) to read as follows:

§ 404.403 Reduction where total monthly benefits exceed maximum family benefits payable.

* * * * *

(g) *Person previously entitled to disability insurance benefits.* If an insured individual who was previously entitled to disability insurance benefits becomes entitled to a "second entitlement" as defined in § 404.250, or dies, after 1995, and the insured individual's primary insurance amount is determined under §§ 404.251(a)(1), 404.251(b)(1), or 404.252(b), the monthly maximum during the second entitlement is determined under the following rules:

(1) If the primary insurance amount is determined under §§ 404.251(a)(1) or 404.251(b)(1), the monthly maximum equals the maximum in the last month of the insured individual's earlier entitlement to disability benefits, increased by any cost-of-living or ad hoc increases since then.

(2) If the primary insurance amount is determined under § 404.252(b), the monthly maximum equals the maximum in the last month of the insured individual's earlier entitlement to disability benefits.

(3) Notwithstanding paragraphs (g)(1) and (g)(2) of this section, if the second entitlement is due to the insured individual's retirement or death, and the monthly maximum in the last month of the insured individual's earlier entitlement to disability benefits was computed under paragraph (d-1) of this section, the monthly maximum is equal to the maximum that would have been determined for the last month of such earlier entitlement if computed without regard for paragraph (d-1) of this section.

[FR Doc. 99-8754 Filed 4-7-99; 8:45 am]

BILLING CODE 4190-29-P

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 812

User Charges

AGENCY: Department of the Air Force, Defense.

ACTION: Final rule; removal.

SUMMARY: The Department of the Air Force is amending Title 32, Chapter VII of the CFR by removing Part 812, User Charges. This rule is removed as AFR 177-8, User Charges and User Charges Report, was superseded by DFAS-DER-7000.6. DFAS-DER-7000.6, User Charges, was rescinded in September 1997.

EFFECTIVE DATE: April 5, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Holly McIntire, DFAS-DE/PMLP, 6760 E. Irvington Place, Denver, CO 80230-8000, (303) 676-7613.

SUPPLEMENTARY INFORMATION:

PART 812—[REMOVED]

Accordingly, 32 CFR, Chapter VII is amended by removing part 812.

Authority: 31 U.S.C. 9701.

Carolyn A. Lunsford,

Air Force Federal Register Liaison Officer.

[FR Doc. 99-8769 Filed 4-7-99; 8:45 am]

BILLING CODE 5001-05-P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD09-99-002]

RIN-2115-AE47

Drawbridge Operation Regulations; Duluth Ship Canal (Duluth-Superior Harbor)

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations with request for comments.

SUMMARY: The Coast Guard has authorized a temporary deviation from the current operating regulations that govern the Duluth Aerial Lift Bridge over the Duluth Ship Canal. The temporary deviation is for the purpose of evaluating a proposed revised schedule for the bridge during the peak recreational vessel traffic season. The test schedule will be in effect from June 1, 1999, through August 31, 1999.

DATES: This deviation is effective from 6 a.m. on June 3, 1999, until 10 p.m. on August 31, 1999. Comments must be received by September 30, 1999.

ADDRESSES: Comments may be mailed or delivered to: Commander (obr), Ninth Coast Guard District, 1240 East Ninth Street, Room 2019, Cleveland, OH 44199-2060 between 6:30 a.m. and 3 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Scot M. Striffler, Project Manager, at (216) 902-6084.

SUPPLEMENTARY INFORMATION: The Coast Guard received a request from the City of Duluth to reduce the number of bridge openings for recreational vessel traffic at the Duluth Aerial Lift Bridge during the peak boating season. This action was requested to relieve vehicular traffic congestion in the vicinity of the bridge and reduce wear and tear on the operating machinery. The Coast Guard arranged a meeting on September 30, 1998, with City officials, marina owners/operators, commercial marine interests, and the Coast Guard Captain of the Port to discuss operating schedule options. A schedule was devised and approved by the participants, and the Coast Guard determined that a 90-day test period would be appropriate to decide if a revised schedule would accomplish the previously stated objectives, while still providing for the reasonable needs of navigation.

The Coast Guard encourages interested persons to submit comments