degenerative joint disease. The consulting physician concluded that Mr. Curry had ''moderate'' impairment of lifting and carrying activities, and ''mild'' impairment in standing and walking, pushing and pulling, and sitting.

After a hearing, an ALJ decided that Mr. Curry was not disabled based on a finding that he retained the RFC to perform the exertional requirements of at least sedentary work. The ALJ found that Mr. Curry's impairments prevented him from performing his past relevant work, but that ''the record [did] not establish that [he was] unable to sit for prolonged periods of time, lift and carry ten pounds and perform the minimal standing and walking required for sedentary work activity.''

After the Appeals Council denied Mr. Curry's request for review, he sought judicial review. The district court held that our final decision was supported by substantial evidence. On appeal to the United States Court of Appeals for the Second Circuit, the court reversed and remanded the case for calculation of disability benefits.

Holding: The Second Circuit held that we have the burden of proving at step five of the sequential evaluation process that the claimant has the RFC to perform other work which exists in the national economy. The court found that, in this case, the ALJ's conclusions about RFC evidenced a disregard for this procedure.

Statement as to How Curry Differs From SSA's Interpretation of the Regulations

Under sections 205(a), 223(d)(5), 1614(a)(3) and 1631(d)(1) of the Act, and 20 CFR 404.1512 and 416.912 of our regulations, the claimant generally bears the burden of proving disability by furnishing medical and other evidence we can use to reach conclusions about his or her impairment(s), and its effect on his or her ability to work on a sustained basis. Our responsibility is to make every reasonable effort to develop a claimant's complete medical history including to arrange for consultative examinations, if necessary.

There is a shift in the burden of proof, ''only if the sequential evaluation process proceeds to the fifth step * * * . It is not unreasonable to require the claimant, who is in a better position to provide information about his own medical condition, to do so.'' *Bowen* v. *Yuckert*, 482 U.S. 137, 146 n5 (1987). However, once a claimant establishes that he or she is unable to do past relevant work, it would be unreasonable to further require him or her to produce vocational evidence showing that there are no jobs in the national economy that a person with his or her RFC can perform. Accordingly, the only burden shift that occurs at step five is that we are required to prove that there is other work that the claimant can perform, given his or her RFC.

Therefore, under our interpretation of our regulations, we do not have the burden at step five (or step four) to prove what the claimant's RFC is. We assess RFC one time, after concluding that a claimant's impairment(s) is ''severe'' but does not meet or equal a listing in the Listing of Impairments in appendix 1 of subpart P of 20 CFR part 404. Although we use this assessment at steps four and five of the sequential evaluation process, we make the assessment at a step in the process at which the claimant is responsible for proving disability.

The Second Circuit has expanded our burden of proof at step five beyond the issue of work which exists in significant numbers to the assessment of RFC. The Second Circuit held that, in determining disability at step five, we have the burden of proving that a claimant retains the RFC to perform other work.

Explanation of How SSA Will Apply The Curry Decision Within the Circuit

This Ruling applies only to claims in which the claimant resides in Connecticut, New York, or Vermont at the time of the determination or decision at any level of administrative review; i.e., initial, reconsideration, ALJ hearing, or Appeals Council review.

In making a disability determination or decision at step five of the sequential evaluation process, we have the burden of proving with sufficient evidence that a claimant can perform the requirements of other work. To meet this burden, we will assess RFC by evaluating all of the relevant evidence in the case record about a claimant's impairment(s) according to our rules for assessing RFC, and will in our determinations and decisions or in the case record certify that there is sufficient evidence to support our findings regarding RFC at step five, and refer to the relevant evidence or the explanation (e.g., the RFC assessment form) in which the relevant evidence is cited.

We will apply this Social Security Acquiescence Ruling to current and reopened claims governed by the court-approved settlement in *Stieberger* v. *Sullivan*, 801 F. Supp. 1079 (S.D.N.Y. 1992), but not to the extent it is inconsistent with that settlement.

We intend to clarify our regulations regarding a claimant's burden to provide evidence of RFC, and we may rescind this Ruling once we have made the clarification.

[FR Doc. 00–23217 Filed 9–8–00; 8:45 am]

BILLING CODE 4191–02–F

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG 2000–7821]

Collection of Information Under Review by Office of Management and Budget (OMB): OMB Control Numbers 2115–0628 and 2115–0015

AGENCY: Coast Guard, DOT.

ACTION: Request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Coast Guard intends to seek the approval of OMB for the renewal of two Information Collection Requests (ICRs). The ICRs comprise Navigation Safety Equipment and Emergency Instructions for Certain Towing Vessels, and Shipping Articles. Before submitting the ICRs to OMB, the Coast Guard is requesting comments on the collections described below.

DATES: Comments must reach the Coast Guard on or before November 13, 2000.

ADDRESSES: You may mail comments to the Docket Management System (DMS) [USCG 2000–7821], U.S. Department of Transportation (DOT), room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001, or deliver them to room PL–401, located on the Plaza Level of the Nassif Building at the same address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

The DMS maintains the public docket for this request. Comments will become part of this docket and will be available for inspection or copying in room PL–401, located on the Plaza Level of the Nassif Building at the above address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also access this docket on the Internet at http://dms.dot.gov.

Copies of the complete ICRs are available through this docket on the Internet at http://dms.dot.gov and also from Commandant (G–CIM–2), U.S. Coast Guard Headquarters, room 6106 (Attn: Barbara Davis), 2100 Second Street SW., Washington, DC 20593–0001. The telephone number is 202–267–2326.

FOR FURTHER INFORMATION CONTACT: Barbara Davis, Office of Information Management, 202–267–2326, for questions on this document; Dorothy

Walker, Chief, Documentary Services Division, U.S. Department of Transportation, 202–366–9330, for questions on the docket.

Request for Comments

The Coast Guard encourages interested persons to submit written comments. Persons submitting comments should include their names and addresses, identify this document [USCG 2000–7821], and give the reason for the comment. Please submit all comments and attachments in an unbound format no larger than 8 ½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

Information Collection Request

1. *Title:* : Navigation Safety Equipment and Emergency Instructions for Certain Towing Vessels.

OMB Control Number: 2115–0628.

Summary: Rules on Navigation safety equipment help assure that the mariner piloting a towing vessel has adequate equipment, charts, maps, and other publications. For inspected towing vessels, a muster list and emergency instructions provide effective plans and references for crew to follow in an emergency.

Need: The purpose of the rules is to improve the safety of towing vessels and the crews that operate them.

Respondents: Owners, operators, and masters of vessels.

Frequency: On occasion.

Burden Estimate: The estimated burden is 281,998 hours annually.

2. *Title:* Shipping Articles.

OMB No. 2115–0015.

Summary: The collection of information requires merchant mariners to complete form CG–705A, Shipping Articles, before entering the service of a shipping company.

Need: 46 U.S.C. 10103,10302, 10303, 10304, and 10307 require a master of a vessel to have each crewmember make a shipping-article agreement in writing before proceeding on a voyage.

Respondents: Merchant mariners.

Frequency: On occasion.

Burden Estimate: The estimated burden is 18,000 hours annually.

Dated: September 5, 2000.

V.S. Crea,

Director of Information and Technology.

[FR Doc. 00–23258 Filed 9–8–00; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG 2000–7379]

Information Collection Under Review by the Office of Management and Budget (OMB): OMB Control Number 2115–0644

AGENCY: Coast Guard, DOT.

ACTION: Request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this request for comments announces the Coast Guard has forwarded one Information Collection Report (ICR) abstracted below to OMB for review and comment. This ICR describes the information we seek to collect from the public. Review and comment by OMB ensure that we impose only paperwork burdens commensurate with our performance of duties.

DATES: Please submit comments on or before October 11, 2000.

ADDRESSES: Please send comments to both (1) the Docket Management System (DMS), U.S. Department of Transportation (DOT), room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001, and (2) the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB), 725 17th Street N.W., Washington, DC 20503, attention, Desk Officer, USCG.

Copies of the complete ICR are available for inspection and copying in public docket USCG 2000–7379 of the Docket Management Facility between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays; for inspection and printing on the internet at *http://dms.dot.gov;* and for inspection from the Commandant (G–CIM–2), U.S. Coast Guard, room 6106, 2100 Second Street SW., Washington, DC, between 10 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Barbara Davis, Office of Information Management, 202–267–2326, for questions on this document; Dorothy Walker, Chief, Documentary Services Division, U.S. Department of Transportation, 202–366–9330, for questions on the docket.

SUPPLEMENTARY INFORMATION

Regulatory History

This request constitutes the 30-day notice required by OMB. The Coast Guard has already published (65 FR 100 (May 23, 2000)) the 60-day notice required by OMB. That request elicited no comments.

Request for Comments

The Coast Guard invites comments on the proposed collection of information to determine whether the collection is necessary for the proper performance of the functions of the Department. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the collections; (2) the accuracy of the Department's estimated burden of the collections; (3) ways to enhance the quality, utility, and clarity of the information required by these collections; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology.

Comments, to DMS or OIRA, must contain the OMB Control Numbers of all ICRs addressed. Comments to DMS must contain the docket number of this request, USCG 2000–7379. Comments to OIRA are best assured of having their full effect if OIRA receives them 30 or fewer days after the publication of this request.

Information Collection Requests

1. *Title:* Understanding how Mariners use Aids to Navigation–A

Systems-Analysis Project for the U.S. Coast Guard Research and Development Center.

OMB Control Number: 2115–0644.

Type of Request: Extension of currently approved collection.

Affected Public: Navigators of vessels.

Form(s): N/A.

Abstract: The survey is being done under the mandates of the National Performance Review and Executive Order 12802. It will enable program officers in aids to navigation (AtoN) to assess navigational risk, implement appropriate AtoN strategies, and measure the effectiveness of the program in reducing the number of vessel collisions, allisions, and groundings.

Annual Estimated Burden Hours: The estimated burden is 1624 hours a year.

Dated: September 5, 2000.

V.S. Crea,

Director of Information and Technology.

[FR Doc. 00–23261 Filed 9–8–00; 8:45 am]

BILLING CODE 4910–15–P