



Federal Register

**Monday,
December 22, 2003**

Part XLV

Social Security Administration

Semiannual Regulatory Agenda

SOCIAL SECURITY ADMINISTRATION (SSA)

SOCIAL SECURITY ADMINISTRATION

Office of the Commissioner

20 CFR Ch. III

Semiannual Unified Regulatory Agenda

AGENCY: Social Security Administration.

ACTION: Semiannual regulatory agenda.

SUMMARY: Executive Order (E.O.) 12866 (as amended by E.O. 13258) entitled Regulatory Planning and Review, issued September 30, 1993, and the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) require each Federal agency to publish semiannually a brief description of all regulatory actions under development or review, expected to be under development or review for the next 12 months, or completed since the previous publication of the agenda. Our last agenda of regulations was published May 27, 2003.

FOR FURTHER INFORMATION CONTACT: For further information about a specific regulatory action, contact the person identified as the agency contact for that action. Comments or inquiries of a general nature should be directed to Martin J. Sussman, Regulations Officer, Social Security Administration, 100 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235-6401; Telephone (410) 965-1767 or TTY (410) 966-5609.

SUPPLEMENTARY INFORMATION The Social Security Administration (SSA) administers the retirement, survivors,

and disability insurance programs under title II of the Social Security Act (the Act), the Supplemental Security Income (SSI) program under title XVI of the Act, and Special Benefits to Certain World War II Veterans under title VIII of the Act. Our regulations generally do not impose burdens on the private sector or on State, local, or tribal governments. Our regulations document the rules under which we make eligibility determinations and set forth both the responsibilities of the Agency towards the public and beneficiaries' rights and responsibilities under the programs we administer.

Our regulatory efforts can be placed into one of the following three categories: (1) legislative implementation; (2) program changes to improve SSA service to the public; and (3) improvements or clarifications to enhance effective stewardship of SSA programs.

We continue to seek legislative improvements for the programs we administer. However, because of the complexity of our programs, statutory language is rarely detailed enough to govern the actions of agency adjudicative decision-makers. Supporting regulations are often required. In some instances, Congress directs SSA to issue implementing regulations. For other legislative provisions, SSA regulations provide program information to applicants for benefits, current beneficiaries, and their legal counsels.

Included in our agenda are items that will amend our regulations to include more provisions of "The Ticket to Work and Work Incentives Improvement Act of 1999," (Pub. L. 106-170), which was signed on December 17, 1999. Among the provisions still requiring regulations are provisions that will suspend continuing disability reviews based on work activity and expedited reinstatement of disability benefits terminated due to work activity. In addition, we expect to propose revisions to the existing rules that implement the Ticket to Work program.

We continue to work diligently to improve our program benefit regulations and to develop partnerships with large segments of the community of interest groups concerned about Social Security programs. The remainder of our Unified Agenda reflects such improvements and clarifications.

For this edition of SSA's regulatory agenda, the most important significant regulatory actions are included in The Regulatory Plan, which appears in part II of this issue of the **Federal Register**. The Regulatory Plan entries are listed in the table of contents below and are denoted by a bracketed bold reference, which directs the reader to the appropriate sequence number in part II.

The fall 2003 regulatory agenda for the Social Security Administration follows.

Dated: September 12, 2003.
Martin J. Sussman,
SSA Regulations Officer.

Social Security Administration—Proposed Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 3859 | Revised Medical Criteria for Endocrine Disorders (436P) | 0960—AD78 |
| 3860 | Supplemental Standards for Ethical Conduct for Employees of the Social Security Administration (601P) | 0960—AE48 |
| 3861 | Title VI (Civil Rights Act (1964)), Title IX (Education Amend. (1972)), Rehabilitation Act (1973), and Age Discrimination Act (1975) in Programs/Activities Receiving Financial Assistance by SSA (617P) | 0960—AE63 |
| 3862 | Enforcement of Nondiscrimination in Social Security Programs or Activities (661P) | 0960—AE78 |
| 3863 | Privacy and Disclosure of Official Records and Information (711P) (Reg Plan Seq No. 138) | 0960—AE88 |
| 3864 | Federal Salary Offset (Withholding a Portion of a Federal Employee's Salary To Collect a Delinquent Debt Owed to the Social Security Administration) (721P) (Reg Plan Seq No. 139) | 0960—AE89 |
| 3865 | Exemption of Work Activity as a Basis for a Continuing Disability Review (Ticket to Work and Work Incentives Improvement Act of 1999) (725P) | 0960—AE93 |
| 3866 | Medical Equivalence for Adults and Children (787P) | 0960—AF19 |
| 3867 | Expedited Reinstatement of Disability Benefits (Ticket to Work and Work Incentives Improvement Act) (790P) | 0960—AF21 |
| 3868 | SSI Trusts and Transfers of Resources (791P) | 0960—AF22 |
| 3869 | Revised Medical Criteria for Evaluating Genitourinary Disorders (802P) | 0960—AF30 |
| 3870 | Revised Medical Criteria for Evaluating Special Senses and Speech Disorders (805P) | 0960—AF34 |

SSA

Social Security Administration—Proposed Rule Stage (Continued)

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 3871 | Revised Medical Criteria for Evaluating Neurological Disorders (806P) | 0960—AF35 |
| 3872 | Disability Insurance Program Demonstration Project Authority (Ticket to Work and Work Incentives Improvement Act of 1999) (789P) | 0960—AF41 |
| 3873 | Revised Medical Criteria for Evaluating Cardiovascular Disorders (826P) | 0960—AF48 |
| 3874 | Determining Disability for an Individual With Drug Addiction or Alcoholism (851P) | 0960—AF57 |
| 3875 | Revised Medical Criteria for Evaluating Respiratory System Disorders (859P) | 0960—AF58 |
| 3876 | Revised Medical Criteria for Evaluating Growth Disorders (444P) | 0960—AF67 |
| 3877 | Special Benefits for Certain World War II Veterans; Reporting Requirements, Suspension and Termination Events, Overpayments, and Administrative Review Process (922P) | 0960—AF72 |
| 3878 | Representative Payment Under Titles II, VIII, and XVI of the Social Security Act (949F) (Reg Plan Seq No. 140) .. | 0960—AF83 |
| 3879 | Elimination of Clothing From the Definitions of Income and In—Kind Support and Maintenance, Exclusions of One Automobile, and Household Goods and Personal Effects Under SSI From Resources (950P) (Reg Plan Seq No. 141) | 0960—AF84 |
| 3880 | Mandatory Exclusion of Health Care Providers, Representatives, and Representative Payees From Participation in SSA Programs (954P) | 0960—AF85 |
| 3881 | Evidence Requirement for Assignment of Social Security Numbers (SSNs); Assignment of SSNs to Foreign Students (960P) (Reg Plan Seq No. 142) | 0960—AF87 |
| 3882 | Amendments to the Ticket to Work and Self—Sufficiency Program (967P) (Reg Plan Seq No. 143) | 0960—AF89 |
| 3883 | Elimination of Deemed Military Wages (968P) | 0960—AF90 |
| 3884 | Elimination of Parent—to—Child Deeming for Individuals Who No Longer Meet the Definition of Spouse of the Natural or Adoptive Parent (793P) (Reg Plan Seq No. 144) | 0960—AF96 |

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

Social Security Administration—Final Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 3885 | Revised Medical Criteria for Evaluating Malignant Neoplastic Diseases (399F) | 0960—AD67 |
| 3886 | Dedicated Accounts and Installment Payments for Certain Past Due SSI Benefits (622F) | 0960—AE59 |
| 3887 | Technical Changes to Supplemental Security Income (SSI) Regulations (664F) | 0960—AE79 |
| 3888 | Administrative Wage Garnishment (To Repay a Debt Owed to the Social Security Administration) (724F) (Reg Plan Seq No. 145) | 0960—AE92 |
| 3889 | OASDI and SSI; Administrative Review Process; Video Teleconferencing Appearances Before Administrative Law Judges of the Social Security Administration (737F) (Reg Plan Seq No. 146) | 0960—AE97 |
| 3890 | Revised Medical Criteria for Evaluating Impairments of the Digestive System (800F) (Reg Plan Seq No. 147) | 0960—AF28 |
| 3891 | Revised Medical Criteria for Evaluating Skin Disorders (801F) | 0960—AF29 |
| 3892 | Revised Medical Criteria of Evaluating Impairments Affecting Multiple Body Systems (803F) | 0960—AF32 |
| 3893 | Filing Claims Under the Federal Tort Claims Act and the Military Personnel and Civilian Employees Claims Act (785F) | 0960—AF39 |
| 3894 | Revisions to the Medical—Vocational Guidelines (823P) | 0960—AF47 |
| 3895 | Filing of Applications and Related Forms (797F) | 0960—AF52 |
| 3896 | Payment of Benefits to Aliens Residing Outside the United States (909F) | 0960—AF70 |
| 3897 | Referral of Persons Eligible for Disability or Blindness Benefits to Other Agencies for Vocational Rehabilitation Services (929F) | 0960—AF80 |
| 3898 | Continuation of Benefit Payment to Certain Individuals Who Are Participating in a Program of Vocational Rehabilitation Services, Employment Services, or Other Support Services (925F) (Reg Plan Seq No. 148) | 0960—AF86 |
| 3899 | Administrative Review Process; Incorporation by Reference of Oral Findings of Fact and Rationale in Wholly Favorable Written Decisions (964I) (Reg Plan Seq No. 149) | 0960—AF92 |
| 3900 | Supplemental Security Income; Exclusion of Military Pay for Combat Service from Deemed Income and Resources (978I) | 0960—AF97 |

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

SSA

Social Security Administration—Long—Term Actions

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 3901 | Deeming of Income From an Ineligible Spouse to an Eligible Individual and an Eligible Child (606P) | 0960—AE50 |
| 3902 | Revised Medical Criteria for Evaluating Immune System Disorders (804P) | 0960—AF33 |
| 3903 | Wage Reports and Pension Information (809P) | 0960—AF38 |
| 3904 | New Disability Claims Process—Roles of State Agency (816F) | 0960—AF44 |
| 3905 | Amendments to Annual Earnings Test Regulations (866F) | 0960—AF62 |
| 3906 | Revised Medical Criteria for Evaluating Mental Disorders (886P) | 0960—AF69 |
| 3907 | Stepchild Entitlement and Termination Requirements (934P) | 0960—AF78 |
| 3908 | Interrelationship of Old—Age, Survivors, and Disability Insurance Program with the Railroad Retirement Program (943I) | 0960—AF82 |
| 3909 | Revised Medical Criteria for Evaluating Hematological Disorders (974P) | 0960—AF88 |

Social Security Administration—Completed Actions

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 3910 | Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, Other Nonprofit Organizations, and Commercial Organizations (547F) | 0960—AE25 |
| 3911 | Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug—Free Workplace (Grants) (554F) | 0960—AE27 |
| 3912 | Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments and Indian Tribal Governments (555F) | 0960—AE28 |
| 3913 | Restrictions on Lobbying in Connection with the Award of Grants, Contracts, and Cooperative Agreements (556F) | 0960—AE29 |
| 3914 | Evidence Requirements for Assignment of Social Security Administration Numbers (SSNs); Assignment of SSNs for Nonwork Purposes (751F) | 0960—AF05 |
| 3915 | Clarification of Rules Involving RFC Assessments; Clarification of Use of Vocational Experts and Other Sources of the Sequential Evaluation Process; Incorporation of “Special Profile” Into Regs (808F) | 0960—AF37 |
| 3916 | Access to Information Held by Financial Institutions (815F) | 0960—AF43 |
| 3917 | Clarification of the Disability Exclusion (915P) | 0960—AF71 |
| 3918 | Claimant Identification Pilot Projects (937F) | 0960—AF79 |
| 3919 | Elimination of Sanctions for Refusal of Vocational Rehabilitation Services Without Good Cause (938F) | 0960—AF81 |
| 3920 | Availability of Information and Records to the Public (969F) | 0960—AF91 |
| 3921 | Extension of Expiration Date for Several Body Systems Listings (976F) | 0960—AF93 |
| 3922 | Revised Medical Criteria for Evaluating Amyotrophic Lateral Sclerosis (989F) | 0960—AF95 |

Social Security Administration (SSA)

Proposed Rule Stage

3859. REVISED MEDICAL CRITERIA FOR ENDOCRINE DISORDERS (436P)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 405; 42 USC 902(a)(5); 42 USC 1383

CFR Citation: 20 CFR 404.1500, app 1

Legal Deadline: None

Abstract: Sections 9.00 and 109.00 of appendix 1 to subpart P of part 404 of our regulations (404.1501 through 404.1599) describe those endocrine impairments that are considered severe enough to prevent a person from doing any gainful activity, or in the case of a child claiming SSA payments under

title XVI, that cause marked and severe functional limitations. We are proposing to revise the criteria in these sections to reflect advances in medical knowledge, treatment, and methods of evaluating endocrine impairments. The Supplemental Security Income Program incorporates and uses the same medical criteria as the Old—Age, Survivors, and Disability Insurance Program.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 06/00/04 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Bonnie Davis, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235—6401
Phone: 410 965—4172

RIN: 0960—AD78

SSA

Proposed Rule Stage

3860. SUPPLEMENTAL STANDARDS FOR ETHICAL CONDUCT FOR EMPLOYEES OF THE SOCIAL SECURITY ADMINISTRATION (601P)**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC app, Ethics in Government Act of 1978; 5 USC 7301; 5 USC 7353**CFR Citation:** 5 CFR ch LXXXI (New)**Legal Deadline:** None

Abstract: The Social Security Administration (SSA), with the concurrence of the Office of Government Ethics (OGE), proposes to issue regulations for officers and employees of SSA that supplement the OGE Standards of Ethical Conduct for Employees of the Executive Branch, which became effective February 3, 1993. The proposed rule specifies procedural and substantive requirements that are necessary to address ethical issues unique to SSA.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 09/00/04 | |

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:**

Undetermined

Agency Contact: Stuart M. Besser, Attorney, Social Security Administration, Office of the General Counsel, 6401 Security Boulevard, Baltimore, MD 21235—6401
Phone: 410 965—3194

Richard M. Bresnick, Paralegal Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965—1758

RIN: 0960—AE48**3861. TITLE VI (CIVIL RIGHTS ACT (1964)), TITLE IX (EDUCATION AMEND. (1972)), REHABILITATION ACT (1973), AND AGE DISCRIMINATION ACT (1975) IN PROGRAMS/ACTIVITIES RECEIVING FINANCIAL ASSISTANCE BY SSA (617P)****Priority:** Substantive, Nonsignificant**Legal Authority:** 20 USC 1681; 29 USC 794; 42 USC 902(a)(5); 42 USC 2000d; 42 USC 6101**CFR Citation:** 20 CFR 431**Legal Deadline:** None

Abstract: Prior to March 31, 1995, SSA was an operating component of HHS and the general regulatory authority for SSA programs and administration was vested in the Secretary of Health and Human Services (the Secretary) based on section 1102 of the Social Security Act (the Act) (42 U.S.C. 1302). The Social Security Independence and Program Improvements Act (SSIIPIA) established SSA as an independent agency in the executive branch of the Federal Government effective March 31, 1995, and vested general regulatory authority in the Commissioner of Social Security (the Commissioner). Under section 106(b) of SSIIPIA, HHS regulations in effect immediately prior to March 31, 1995, which relate to functions now vested in the Commissioner by reason of SSA's independence, continue to apply to SSA until such time as they are modified, suspended, terminated, or repealed by the Commissioner. SSA is promulgating regulations at 20 CFR part 431, which are based in large measure upon the HHS regulations at 45 CFR parts 80, 81, 84, 86, and 91. These SSA regulations reflect changes necessary to adapt the HHS regulations to SSA procedures. Upon SSA's rules becoming final regulations, the HHS regulations will cease to have application to SSA in accordance with section 106(b) of SSIIPIA.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 09/00/04 | |

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Eileen Inglesby—Houghton, Attorney, Social Security Administration, Office of the General Counsel, 6401 Security Boulevard, Baltimore, MD 21235—6401
Phone: 410 965—4816

Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965—1769

RIN: 0960—AE63**3862. ENFORCEMENT OF NONDISCRIMINATION IN SOCIAL SECURITY PROGRAMS OR ACTIVITIES (661P)****Priority:** Substantive, Nonsignificant**Legal Authority:** 29 USC 794; 42 USC 902**CFR Citation:** 20 CFR 432**Legal Deadline:** None

Abstract: These proposed regulations are intended to ensure that individuals are not subjected to discrimination on the basis of disability, race, color, national origin, sex, age, or religion in any program or activity conducted by SSA.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 09/00/04 | |

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965—1769

RIN: 0960—AE78**3863. PRIVACY AND DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION (711P)**

Regulatory Plan: This entry is Seq. No. 138 in part II of this issue of the Federal Register.

RIN: 0960—AE88**3864. FEDERAL SALARY OFFSET (WITHHOLDING A PORTION OF A FEDERAL EMPLOYEE'S SALARY TO COLLECT A DELINQUENT DEBT OWED TO THE SOCIAL SECURITY ADMINISTRATION) (721P)**

Regulatory Plan: This entry is Seq. No. 139 in part II of this issue of the Federal Register.

RIN: 0960—AE89**3865. EXEMPTION OF WORK ACTIVITY AS A BASIS FOR A CONTINUING DISABILITY REVIEW (TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999) (725P)****Priority:** Other Significant**Legal Authority:** 42 USC 421(m)

SSA

Proposed Rule Stage

CFR Citation: 20 CFR 404.903; 20 CFR 404.1574; 20 CFR 404.1575; 20 CFR 404.1590; 20 CFR 404.1594; 20 CFR 416.990; 20 CFR 416.994; 20 CFR 416.1403

Legal Deadline: None

Abstract: We are proposing to amend our regulations to explain how we will implement section 221(m) of the Social Security Act (the Act). Section 221(m) affects our rules for when we will conduct a continuing disability review if a beneficiary works and receives benefits under title II of the Act based on disability. (We interpret this section to include beneficiaries who receive both title II disability benefits and Supplemental Security Income (SSI) payments based on disability.) It also affects the way we evaluate work activity when deciding if a beneficiary has engaged in substantial gainful activity, and affects the standards we use when we determine whether disability continues or ends.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/03 | |

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Kristine Erwin—Tribbitt, Social Insurance Specialist, Social Security Administration, Office of Employment Support Programs, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965—3353

Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965—1769

RIN: 0960—AE93

3866. MEDICAL EQUIVALENCE FOR ADULTS AND CHILDREN (787P)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 405; 42 USC 902(a)(5); 42 USC 1383

CFR Citation: 20 CFR 404.1525; 20 CFR 404.1526; 20 CFR 404.1527; 20 CFR 404.1529; 20 CFR 416.925; 20 CFR 416.926; 20 CFR 416.926a; 20 CFR 416.927; 20 CFR 416.929

Legal Deadline: None

Abstract: This notice of proposed rulemaking will clarify that we will consider the medical severity of the individual's impairment, based on all relevant evidence in the case record when we make a finding regarding medical equivalence. These rules will clarify our medical equivalence policy in light of the decision in *Hickman v. Apfel*, 187 F.3d 683 (7th Cir. 1999).

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/00/04 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Jane Deweib, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235—6401
Phone: 410 965—9878

Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235—6401
Phone: 410 965—0020

RIN: 0960—AF19

3867. EXPEDITED REINSTATEMENT OF DISABILITY BENEFITS (TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT) (790P)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 423(i); 42 USC 1383(p)

CFR Citation: 20 CFR 404.1592b to 404.1592f; 20 CFR 416.999 to 416.999d

Legal Deadline: None

Abstract: Individuals with disabilities face multiple barriers in attempting to return to work. Section 112 of Public Law 106—170 provides a new statutory work incentive by providing for expedited reinstatement of SSDI and SSI benefits terminated due to work activity, when the former beneficiary requests reinstatement within 60 months of termination because his or her disability prevents work activity. Section 112 also provides for payment of provisional benefits for up to six months until SSA makes a determination on the requester's entitlement to reinstated benefits.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/03 | |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: John Nelson, Social Insurance Specialist, Social Security Administration, Office of Employment Support Programs, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 966—5114

Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965—1769

RIN: 0960—AF21

3868. SSI TRUSTS AND TRANSFERS OF RESOURCES (791P)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 1382a(a); 42 USC 1382b(c); 42 USC 1382b(e); PL 106—169, sec 205; PL 106—169, sec 206

CFR Citation: 20 CFR 416

Legal Deadline: None

Abstract: We propose to amend our regulations to reflect sections 205 and 206 of Public Law 106—169, the Foster Care Independence Act of 1999. Section 205 generally provides for counting certain trusts as resources in the SSI program. Section 206 generally provides for a period of ineligibility for SSI benefits as a result of transferring resources for less than fair market value.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 02/00/04 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Albert Fatur, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235—6401
Phone: 410 965—9855

Robert J. Augustine, Social Insurance Specialist, Social Security

SSA

Proposed Rule Stage

Administration, Office of Regulations,
6401 Security Boulevard, Baltimore,
MD 21235—6401
Phone: 410 965—0020

RIN: 0960—AF22

3869. REVISED MEDICAL CRITERIA FOR EVALUATING GENITOURINARY DISORDERS (802P)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 405; 42 USC 902(a)(5); 42 USC 1383

CFR Citation: 20 CFR 404.1500, app 1

Legal Deadline: None

Abstract: We propose to revise the criteria in the Listing of Impairments (the Listings) that we use to evaluate genitourinary impairments. We apply these criteria at step three of our sequential evaluation processes for adults and children who claim Social Security or Supplemental Security Income benefits based on disability under title II and title XVI of the Social Security Act. The revisions reflect advances in medical knowledge, treatment, and methods of evaluating genitourinary impairments.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/04 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Paul J. Scott, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235—6401
Phone: 410 966—1192

RIN: 0960—AF30

3870. REVISED MEDICAL CRITERIA FOR EVALUATING SPECIAL SENSES AND SPEECH DISORDERS (805P)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 405; 42 USC 902(a)(5); 42 USC 1383

CFR Citation: 20 CFR 404.1500, app 1

Legal Deadline: None

Abstract: We propose to revise the criteria in the Listing of Impairments that we use to evaluate claims involving special senses and speech disorders. We apply these criteria when

you claim benefits based on disability under title II and title XVI of the Social Security Act. The proposed revisions reflect advances in medical knowledge, treatment, and methods of evaluating special senses and speech disorders.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 06/00/04 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Michelle Hungerman, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235—6401
Phone: 410 965—2289

Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235—6401
Phone: 410 965—0020

RIN: 0960—AF34

3871. REVISED MEDICAL CRITERIA FOR EVALUATING NEUROLOGICAL DISORDERS (806P)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 405; 42 USC 902(a)(5); 42 USC 1383

CFR Citation: 20 CFR 404.1500, app 1

Legal Deadline: None

Abstract: We propose to revise the criteria in the Listing of Impairments (the listings) that we use to evaluate claims involving neurological disorders at the third step of our sequential evaluation processes for adults and children under title II and title XVI of the Social Security Act (the Act). The proposed revisions reflect advances in medical knowledge, treatment, and methods of evaluating neurological disorders.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/00/04 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Carolyn Kiefer, Social Insurance Specialist, Social Security

Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235—6401
Phone: 410 965—9104

Fran O. Thomas, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235—6401
Phone: 410 966—9822

RIN: 0960—AF35

3872. DISABILITY INSURANCE PROGRAM DEMONSTRATION PROJECT AUTHORITY (TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999) (789P)

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 434

CFR Citation: 20 CFR 404.1599

Legal Deadline: None

Abstract: One of SSA's most important initiatives is to ensure that Social Security Disability Insurance (SSDI) beneficiaries with disabilities who want to work have the opportunity to do so. Section 301 of Public Law 106—170 provides the Commissioner of Social Security the authority to develop and carry out experiments and demonstration projects designed to determine the relative advantages and disadvantages of various alternative methods of treating the work activity of individuals entitled to disability insurance benefits.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/00/04 | |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965—1769

RIN: 0960—AF41

SSA

Proposed Rule Stage

3873. REVISED MEDICAL CRITERIA FOR EVALUATING CARDIOVASCULAR DISORDERS (826P)**Priority:** Other Significant**Legal Authority:** 42 USC 405; 42 USC 902(a)(5); 42 USC 1383**CFR Citation:** 20 CFR 404.1500, app 1**Legal Deadline:** None

Abstract: Listings 4.00 and 104.00 of appendix 1 to subpart P of our regulation (20 CFR 404.1501 through 404.1599) describe those cardiovascular impairments that are considered severe enough to prevent a person from doing any gainful activity, or for a child claiming SSI payments under title XVI, that cause marked and severe functional limitations. We propose to revise the criteria that we use to evaluate cardiovascular impairments under the listings to reflect our program experience and advances in medical knowledge, treatment, and methods of evaluating these disorders. The SSI program incorporates by reference and uses the same medical criteria as the old—age, survivors, and disability insurance program.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 06/00/04 | |

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Bonnie Davis, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235—6401
Phone: 410 965—4172

Fran O. Thomas, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 966—9822

RIN: 0960—AF48**3874. DETERMINING DISABILITY FOR AN INDIVIDUAL WITH DRUG ADDICTION OR ALCOHOLISM (851P)****Priority:** Other Significant**Legal Authority:** PL 104—121, sec 105; PL 105—33, sec 5525; PL 106—170, sec 401**CFR Citation:** 20 CFR 404.315; 20 CFR 404.316; 20 CFR 404.321; 20 CFR

404.332; 20 CFR 404.335; 20 CFR 404.337; 20 CFR 404.350; 20 CFR 404.352; 20 CFR 404.402; 20 CFR 404.470; 20 CFR 404.480; 20 CFR 404.902; 20 CFR 404.1505; 20 CFR 404.1535 TO 404.1541; 20 CFR 404.1500, app 1; 20 CFR 416.101; 20 CFR 416.202; 20 CFR 416.214; 20 CFR 416.262; 20 CFR 416.265; 20 CFR 416.535; 20 CFR 416.542; 20 CFR 416.544; 20 CFR 416.558; 20 CFR 416.601; 20 CFR 416.610; 20 CFR 416.925; 20 CFR 416.935 to 416.941; 20 CFR 416.1123; 20 CFR 416.1326; 20 CFR 416.1331; 20 CFR 416.1402; 20 CFR 416.1701; 20 CFR 416.1720; 20 CFR 416.1725

Legal Deadline: None

Abstract: We propose to revise our regulations that address drug addiction and alcoholism (DAA) under title II and XVI of the Social Security Act. The proposed rules reflect provisions of section 105 of the Contract with America Advancement Act of 1996, Public Law 104—121; section 5525 of the Balanced Budget Act of 1997, Public Law 105—33; and section 401 of the Ticket to Work and Work Incentives Improvement Act of 1999, Public Law 106—170.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/04 | |

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Larry P. Spain, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235—6401
Phone: 410 965—9139

Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965—1769

RIN: 0960—AF57**3875. REVISED MEDICAL CRITERIA FOR EVALUATING RESPIRATORY SYSTEM DISORDERS (859P)****Priority:** Other Significant**Legal Authority:** 42 USC 405; 42 USC 902(a)(5); 42 USC 1383**CFR Citation:** 20 CFR 404.1500, app 1**Legal Deadline:** None

Abstract: We propose to revise the criteria in the Listing of Impairments that we use to evaluate claims involving respiratory system disorders. The proposed revisions reflect advances in medical knowledge, treatment, and methods of evaluating respiratory disorders.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/00/04 | |

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Carolyn Kiefer, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235—6401
Phone: 410 965—9104

Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235—6401
Phone: 410 965—0020

RIN: 0960—AF58**3876. REVISED MEDICAL CRITERIA FOR EVALUATING GROWTH DISORDERS (444P)****Priority:** Other Significant**Legal Authority:** 42 USC 405; 42 USC 902(a)(5); 42 USC 1302; 42 USC 1383**CFR Citation:** 20 CFR 404.1500, app 1; 20 CFR 416 subpart I**Legal Deadline:** None

Abstract: Section 100.00 of part B of appendix 1 to subpart P of part 404 of the Disability Regulations describes growth impairments considered severe enough to cause marked and severe functional limitations in a child under age 18. We are proposing revisions to the growth impairment listings. The revisions contained in these regulations reflect advances in medical knowledge, treatment, and methods of evaluating growth impairments. The Supplemental Security Income program incorporates and uses the same medical criteria as the Old—Age, Survivors, and Disability Insurance program.

SSA

Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/00/04 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None

Agency Contact: Regina Connell, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965—1891

RIN: 0960—AF67

3877. SPECIAL BENEFITS FOR CERTAIN WORLD WAR II VETERANS; REPORTING REQUIREMENTS, SUSPENSION AND TERMINATION EVENTS, OVERPAYMENTS, AND ADMINISTRATIVE REVIEW PROCESS (922P)

Priority: Substantive, Nonsignificant

Legal Authority: 31 USC 3720A; 42 USC 402; 42 USC 403; 42 USC 404(a); 42 USC 404(e); 42 USC 405(a); 42 USC 405(c); 42 USC 422(b); 42 USC 423(e); 42 USC 424a; 42 USC 425; 42 USC 902(a)(5); 42 USC 1001 to 1013; 42 USC 1104; 42 USC 1106; 42 USC 1320a—8a

CFR Citation: 20 CFR 404.401; 20 CFR 408.101; 20 CFR 408.701; 20 CFR 408.704; 20 CFR 408.708; 20 CFR 408.710; 20 CFR 408.712; 20 CFR 408.714; 20 CFR 408.801 to 408.809; 20 CFR 408.810; 20 CFR 408.812; 20 CFR 408.814; 20 CFR 408.816; 20 CFR 408.818; 20 CFR 408.820; 20 CFR 408.900 to 408.905; 20 CFR 408.910 to 408.915; 20 CFR 408.918; 20 CFR 408.920; 20 CFR 408.922; 20 CFR 408.923; 20 CFR 408.930 to 408.933; 20 CFR 408.940 to 408.946; 20 CFR 408.950; 20 CFR 408.1000 to 408.1007; 20 CFR 408.1009; 20 CFR 408.1011; 20 CFR 408.1013 to 408.1016; 20 CFR 408.1020 to 408.1022; 20 CFR 408.1040; 20 CFR 408.1045; 20 CFR 408.1050; 20 CFR 408.1060; 20 CFR 408.1070; 20 CFR 408.1101; 20 CFR 408.1201; 20 CFR 408.1205; 20 CFR 408.1210; 20 CFR 408.1215; 20 CFR 408.1220; 20 CFR 408.1225; 20 CFR 408.1226; 20 CFR 408.1230; 20 CFR 408.1235; 20 CFR 416.570

Legal Deadline: None

Abstract: We propose to add six additional subchapters to part 408

(proposed) of our regulations. The title VIII program provides monthly benefits to certain World War II veterans who were previously eligible for supplemental security income payments under title XVI of the Act and reside outside the United States. These additional subparts would codify the title VIII requirements on reporting responsibilities, suspension and termination events, overpayment and underpayment policies, and the administrative review process.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 11/05/03 | 68 FR 62670 |
| NPRM Comment Period End | 01/05/04 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None

Agency Contact: Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235—6401
Phone: 410 965—0020

RIN: 0960—AF72

3878. REPRESENTATIVE PAYMENT UNDER TITLES II, VIII, AND XVI OF THE SOCIAL SECURITY ACT (949F)

Regulatory Plan: This entry is Seq. No. 140 in part II of this issue of the *Federal Register*.

RIN: 0960—AF83

3879. ELIMINATION OF CLOTHING FROM THE DEFINITIONS OF INCOME AND IN—KIND SUPPORT AND MAINTENANCE, EXCLUSIONS OF ONE AUTOMOBILE, AND HOUSEHOLD GOODS AND PERSONAL EFFECTS UNDER SSI FROM RESOURCES (950P)

Regulatory Plan: This entry is Seq. No. 141 in part II of this issue of the *Federal Register*.

RIN: 0960—AF84

3880. MANDATORY EXCLUSION OF HEALTH CARE PROVIDERS, REPRESENTATIVES, AND REPRESENTATIVE PAYEES FROM PARTICIPATION IN SSA PROGRAMS (954P)

Priority: Substantive, Nonsignificant

Legal Authority: PL 106—169, sec 208; 42 USC 1320b—6

CFR Citation: 20 CFR 404.1503b; 20 CFR 416.903b

Legal Deadline: None

Abstract: This proposed rule would exclude representatives and health care providers who are convicted of violating certain criminal statutes involving fraud and other matters in the title II or title XVI programs administered by SSA, or who are assessed a civil monetary penalty for making false or misleading statements related to such programs, from participation in those programs. The minimum exclusion period is five years, but exclusions can be permanent.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 05/00/04 | |

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: No**Government Levels Affected:** None

Agency Contact: Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965—1769

RIN: 0960—AF85

3881. EVIDENCE REQUIREMENT FOR ASSIGNMENT OF SOCIAL SECURITY NUMBERS (SSNS); ASSIGNMENT OF SSNS TO FOREIGN STUDENTS (960P)

Regulatory Plan: This entry is Seq. No. 142 in part II of this issue of the *Federal Register*.

RIN: 0960—AF87

3882. AMENDMENTS TO THE TICKET TO WORK AND SELF—SUFFICIENCY PROGRAM (967P)

Regulatory Plan: This entry is Seq. No. 143 in part II of this issue of the *Federal Register*.

RIN: 0960—AF89

SSA

Proposed Rule Stage

3883. ELIMINATION OF DEEMED MILITARY WAGES (968P)**Priority:** Substantive, Nonsignificant**Legal Authority:** PL 107—117**CFR Citation:** 20 CFR 404.1301**Legal Deadline:** None

Abstract: We propose to revise our regulations to reflect a provision in Public Law 107—117 that eliminates deemed military service wage credits for members of the uniformed services for all years after calendar year 2001.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/03 | |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Gareth N. Dence, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235—6401
Phone: 410 965—9872

Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations,

6401 Security Boulevard, Baltimore, MD 21235—6401
Phone: 410 965—0020

RIN: 0960—AF90**3884. • ELIMINATION OF PARENT—TO—CHILD DEEMING FOR INDIVIDUALS WHO NO LONGER MEET THE DEFINITION OF SPOUSE OF THE NATURAL OR ADOPTIVE PARENT (793P)**

Regulatory Plan: This entry is Seq. No. 144 in part II of this issue of the **Federal Register**.

RIN: 0960—AF96

Social Security Administration (SSA)

Final Rule Stage

3885. REVISED MEDICAL CRITERIA FOR EVALUATING MALIGNANT NEOPLASTIC DISEASES (399F)**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 405; 42 USC 902(a)(5); 42 USC 1383**CFR Citation:** 20 CFR 404.1500, app 1**Legal Deadline:** None

Abstract: Sections 13.00 and 113.00 (malignant neoplastic diseases) of appendix 1 to subpart P of part 404 of our regulations (404.1501 through 404.1599) describe those impairments that are considered severe enough to prevent a person from doing any gainful activity, or for a child claiming SSI payments under title XVI, that causes marked and severe functional limitations. We are revising these sections to ensure that the medical evaluation criteria are up-to-date and consistent with the latest advances in medical knowledge and treatment. The Supplemental Security Income program incorporates and uses the same medical criteria as the Old—Age, Survivors, and Disability Insurance program.

Timetable:

| Action | Date | FR Cite |
|----------------------------------|----------|-------------|
| NPRM | 11/27/01 | 66 FR 59305 |
| NPRM Comment Period End | 01/28/02 | |
| NPRM Comment Period End Extended | 04/18/02 | 67 FR 19138 |
| Final Action | 06/00/04 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Michelle Hungerman, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235—6401
Phone: 410 965—2289

Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965—1769

RIN: 0960—AD67**3886. DEDICATED ACCOUNTS AND INSTALLMENT PAYMENTS FOR CERTAIN PAST DUE SSI BENEFITS (622F)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 902(a)(5); 42 USC 1381; 42 USC 1381a; 42 USC 1382(c); 42 USC 1382(e); 42 USC 1383(a) to 1383(d); 42 USC 1383(g)**CFR Citation:** 20 CFR 416.545; 20 CFR 416.546; 20 CFR 416.640; 20 CFR 416.1210; 20 CFR 416.1247

Legal Deadline: Final, Statutory, November 22, 1996, Final. Interim Final Rules were published on December 20, 1996.

Abstract: These regulations reflect amendments to the Social Security Act made by sections 213 and 221 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Section 213 requires the

establishment of accounts in financial institutions for the payment of past due SSI benefits after reimbursement to a State for Interim Assistance Reimbursement exceeding 6 months' benefits to representative payees on behalf of children under age 18. These accounts will be dedicated for certain purposes by restrictions on the use of such past due benefits.

Section 221 requires past due SSI benefits after reimbursement to a State for Interim Assistance Reimbursement that equals or exceeds 12 months' benefits to be paid in installments, with certain exceptions.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Interim Final Rule | 12/20/96 | 61 FR 67203 |
| Interim Final Rule Comment Period End | 02/18/97 | |
| Final Action | 06/00/04 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965—1769

RIN: 0960—AE59

SSA

Final Rule Stage

3887. TECHNICAL CHANGES TO SUPPLEMENTAL SECURITY INCOME (SSI) REGULATIONS (664F)**Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** 20 CFR 416.1236; 20 CFR 416, subpart K, app**Legal Deadline:** None

Abstract: We are amending the SSI regulations by making technical changes to our rules on income and resources. These technical changes update lists of exclusions from income and resources under the SSI program that are based on statutes other than the Social Security Act and make additional technical changes.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 12/00/03 | |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Eric Ice, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235—6401
Phone: 410 966—3233

Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235—6401
Phone: 410 965—0020

RIN: 0960—AE79**3888. ADMINISTRATIVE WAGE GARNISHMENT (TO REPAY A DEBT OWED TO THE SOCIAL SECURITY ADMINISTRATION) (724F)**

Regulatory Plan: This entry is Seq. No. 145 in part II of this issue of the **Federal Register**.

RIN: 0960—AE92**3889. OASDI AND SSI; ADMINISTRATIVE REVIEW PROCESS; VIDEO TELECONFERENCING APPEARANCES BEFORE ADMINISTRATIVE LAW JUDGES OF THE SOCIAL SECURITY ADMINISTRATION (737F)**

Regulatory Plan: This entry is Seq. No. 146 in part II of this issue of the **Federal Register**.

RIN: 0960—AE97**3890. REVISED MEDICAL CRITERIA FOR EVALUATING IMPAIRMENTS OF THE DIGESTIVE SYSTEM (800F)**

Regulatory Plan: This entry is Seq. No. 147 in part II of this issue of the **Federal Register**.

RIN: 0960—AF28**3891. REVISED MEDICAL CRITERIA FOR EVALUATING SKIN DISORDERS (801F)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 405; 42 USC 902(a)(5); 42 USC 1383**CFR Citation:** 20 CFR 404.1500, app 1**Legal Deadline:** None

Abstract: This final rule will revise the criteria in the Listing of Impairments (the Listings) we use for evaluating skin disorders in adults and to introduce corresponding medical criteria for evaluating skin disorders in children. We will revise the skin listings to ensure that the medical evaluation criteria are up-to-date and consistent and that the latest advances in medical knowledge and treatment are included.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 12/10/01 | 66 FR 63634 |
| NPRM Comment Period End | 02/08/02 | |
| Final Action | 01/00/04 | |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Nancy Torkas, Policy Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965—1744

Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965—1769

RIN: 0960—AF29**3892. REVISED MEDICAL CRITERIA OF EVALUATING IMPAIRMENTS AFFECTING MULTIPLE BODY SYSTEMS (803F)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 405; 42 USC 902(a)(5); 42 USC 1383**CFR Citation:** 20 CFR 404.1500, app 1**Legal Deadline:** None

Abstract: These final rules revise the criteria in the Listing of Impairments that we use to evaluate claims involving impairments affecting multiple body systems. We apply these criteria when you claim benefits based on disability under title II and title XVI of the Social Security Act. The proposed revisions reflect current medical knowledge, treatment, and methods of evaluating impairments affecting multiple body systems.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 12/23/02 | 67 FR 78196 |
| NPRM Comment Period End | 02/21/03 | |
| Final Action | 02/00/04 | |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Sharon Arden, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235—6401
Phone: 410 965—9098

Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965—1769

RIN: 0960—AF32**3893. FILING CLAIMS UNDER THE FEDERAL TORT CLAIMS ACT AND THE MILITARY PERSONNEL AND CIVILIAN EMPLOYEES CLAIMS ACT (785F)****Priority:** Substantive, Nonsignificant**Legal Authority:** 28 USC 2672; 31 USC 3721; 42 USC 905(a)(5)**CFR Citation:** 20 CFR 429.101 to 429.110; 20 CFR 429.201 to 429.211; 28 CFR 14**Legal Deadline:** None

SSA

Final Rule Stage

Abstract: These final rules will establish a new subpart B in part 429 that will prescribe the procedures SSA follows when claims are filed by employees against SSA for personal property damage or loss incident to their service with SSA. We will also make corrections and clarifications to our current procedures and practices on claims against the Government for damage to or loss of property or personal injury or death that is caused by the negligent or wrongful act or omission of an SSA employee.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 12/20/02 | 67 FR 77942 |
| NPRM Comment Period End | 02/18/03 | |
| Final Action | 02/00/04 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Jonathan R. Cantor, General Attorney, Social Security Administration, General Law Division, Office of the General Counsel, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965—3166

Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235—6401
Phone: 410 965—0020

RIN: 0960—AF39

3894. REVISIONS TO THE MEDICAL—VOCATIONAL GUIDELINES (823P)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 405(a); 42 USC 423; 42 USC 1382c; 42 USC 902(a)(5)

CFR Citation: 20 CFR 404, subpart P, app 2; 20 CFR 404.1564; 20 CFR 416.964

Legal Deadline: None

Abstract: This rule will make several clarifications to our medical—vocational guidelines. First, for individuals whose previous semiskilled or skilled work does not allow him or her to transfer skills to other semiskilled or skilled work within his or her residual functional capacity (RFC), we will treat the past work

experience as if it were unskilled. It will also clarify which medical—vocational rules apply to individuals who are illiterate or unable to communicate in English.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/07/03 | 68 FR 40213 |
| NPRM Comment Period End | 09/05/03 | |
| Final Action | 03/00/04 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Elaine Tocco, Vocational Policy Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 966—6356

RIN: 0960—AF47

3895. FILING OF APPLICATIONS AND RELATED FORMS (797F)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 402(i); 42 USC 402(j); 42 USC 402(o); 42 USC 402(p); 42 USC 402(r); 42 USC 405; 42 USC 416(i)(2); 42 USC 423(b); 42 USC 428(a); 42 USC 902(a)(5)

CFR Citation: 20 CFR 404.610; 20 CFR 404.611; 20 CFR 422.505

Legal Deadline: None

Abstract: This final rule includes language that explains the Internet applications completed on SSA's website and submitted to SSA are prescribed applications for filing for social security benefits. It incorporates an explanation that once SSA has an approved electronic signature method in place, the signature method will be included as part of the Internet application process and will be required for the applications.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/17/01 | 66 FR 43136 |
| NPRM Comment Period End | 10/16/01 | |
| Final Action | 12/00/03 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sandra Robinson, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965—4327

Fran O. Thomas, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235

Phone: 410 966—9822

RIN: 0960—AF52

3896. PAYMENT OF BENEFITS TO ALIENS RESIDING OUTSIDE THE UNITED STATES (909F)

Priority: Other Significant

Legal Authority: 42 USC 402(t); 42 USC 405(a); 42 USC 902(a)(5)

CFR Citation: 20 CFR 404.460

Legal Deadline: None

Abstract: We are revising our rules to remove Democratic Kampuchea (now Cambodia) and Vietnam from the list of countries to which social security benefits individuals residing in those countries who are not U.S. citizens or nationals, may not be sent to under Department of the Treasury (Treasury) restrictions. The removal of the Treasury restrictions on benefit payments to individuals in these countries permits payments to accrue for affected individuals who are entitled to title II benefits for months in which they reside in either Cambodia or Vietnam provided they are not subject to other nonpayment provisions for those months. The revisions are necessary to reflect that the Treasury has published regulations that have removed restrictions, under 31 USC 123, on sending Federal payments to payees living in Cambodia or Vietnam.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 12/00/03 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of

SSA

Final Rule Stage

Regulations, 6401 Security Boulevard,
Baltimore, MD 21235—6401
Phone: 410 965—0020

RIN: 0960—AF70

3897. REFERRAL OF PERSONS ELIGIBLE FOR DISABILITY OR BLINDNESS BENEFITS TO OTHER AGENCIES FOR VOCATIONAL REHABILITATION SERVICES (929F)

Priority: Substantive, Nonsignificant

Legal Authority: PL 106—170

CFR Citation: 20 CFR 404.1630; 20 CFR 404.2101 to 404.2109; 20 CFR 404.2111; 20 CFR 404.2112; 20 CFR 404.2114 to 404.2127; 20 CFR 416.101; 20 CFR 416.1030; 20 CFR 416.1701; 20 CFR 416.1710; 20 CFR 416.2201; 20 CFR 416.2202; 20 CFR 416.2204; 20 CFR 416.2209; 20 CFR 416.2211 to 416.2227

Legal Deadline: None

Abstract: We are revising our regulations pertaining to the requirement to refer for vocational rehabilitation (VR) services those individuals who filed for disability benefits, thereby conforming them to provisions in the Ticket to Work and Work Incentives Improvement Act of 1999. The Ticket to Work and Work Incentives Improvement Act of 1999 repealed the VR referral requirement effective with January 1, 2001, in States in which the Ticket to Work and Self—Sufficiency program has been implemented. In States in which we have implemented the Ticket to Work program, we are no longer referring beneficiaries eligible for disability benefits to State vocational rehabilitation agencies.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 12/00/03 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Agency Contact: Melvin Winer, Social Insurance Specialist, Social Security Administration, Office of Employment Support Programs, 6401 Security Boulevard, Baltimore, MD 21235—6401
Phone: 410 965—9175

Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235

Phone: 410 965—1769

RIN: 0960—AF80

3898. CONTINUATION OF BENEFIT PAYMENT TO CERTAIN INDIVIDUALS WHO ARE PARTICIPATING IN A PROGRAM OF VOCATIONAL REHABILITATION SERVICES, EMPLOYMENT SERVICES, OR OTHER SUPPORT SERVICES (925F)

Regulatory Plan: This entry is Seq. No. 148 in part II of this issue of the *Federal Register*.

RIN: 0960—AF86

3899. ADMINISTRATIVE REVIEW PROCESS; INCORPORATION BY REFERENCE OF ORAL FINDINGS OF FACT AND RATIONALE IN WHOLLY FAVORABLE WRITTEN DECISIONS (964I)

Regulatory Plan: This entry is Seq. No. 149 in part II of this issue of the *Federal Register*.

RIN: 0960—AF92

3900. • SUPPLEMENTAL SECURITY INCOME; EXCLUSION OF MILITARY PAY FOR COMBAT SERVICE FROM DEEMED INCOME AND RESOURCES (978I)

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: Sec 1612(b) of the Social Security Act; Sec 1614(f) of the Social Security Act

CFR Citation: 20 CFR 416.1161; 20 CFR 416.1202

Legal Deadline: None

Abstract: These interim final rules provide for excluding additional military pay for combat service from countable income and resources when we determine the eligibility of children and spouses of military personnel for Supplemental Security Income (SSI). The exclusions ensure that the SSI benefits of children and spouses of military personnel are not adversely

affected by the deployment of their family members to a combat zone.

Under these rules, in determining an individual's eligibility for SSI, we would not count the following types of income of an ineligible parent or spouse:

Any additional increment in pay, other than any increase in basic pay, received while serving as a member of the uniformed services, if—

1. The spouse or parent received the pay as a result of deployment to or while serving in a combat zone; and
2. The spouse or parent was not receiving the additional pay immediately prior to deployment to or service in a combat zone.

Under these rules, we also would exclude from deemed resources for nine months following the month of receipt, the unspent portion of any retroactive payment of:

1. Special pay (hostile fire and imminent danger pay) received by the ineligible spouse or ineligible parent from one of the uniformed services pursuant to 37 USC 310; and
2. Family separation allowance received by the ineligible spouse or ineligible parent from one of the uniformed services pursuant to 37 USC 427 as a result of deployment to or while serving in a combat zone.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 01/00/04 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Karen E. Kerwath, Social Insurance Specialist, Social Security Administration, Office of Program Benefits, 6401 Security Boulevard, Baltimore, MD 21235—6401
Phone: 410 965—9835

RIN: 0960—AF97

Social Security Administration (SSA)

Long-Term Actions

3901. DEEMING OF INCOME FROM AN INELIGIBLE SPOUSE TO AN ELIGIBLE INDIVIDUAL AND AN ELIGIBLE CHILD (606P)**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 902(a)(5); 42 USC 1381a; 42 USC 1382; 42 USC 1382a; 42 USC 1382b; 42 USC 1382c(f); 42 USC 1382j; 42 USC 1383**CFR Citation:** 20 CFR 416.1160; 20 CFR 416.1165; 20 CFR 416.1166**Legal Deadline:** None

Abstract: This rule would revise the method used under the SSI program to determine income for a child who lives with both parents where one parent is ineligible for SSI because of income deemed from an ineligible spouse. Instead of deeming any excess income from the ineligible spouse to the child, referred to as "pass-through deeming," we would deem income to the child using the method we use where neither parent files for SSI. Under current rules, "pass-through" deeming has had the unintended effect of deeming more income than would have been deemed if the regular rules for deeming from ineligible parents who do not file for SSI are used.

Timetable:

| Action | Date | FR Cite |
|--------|-------|------------|
| NPRM | To Be | Determined |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Undetermined**Agency Contact:** Martin J. Sussman, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235

Phone: 410 965—1767

RIN: 0960—AE50**3902. REVISED MEDICAL CRITERIA FOR EVALUATING IMMUNE SYSTEM DISORDERS (804P)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 405; 42 USC 902(a)(5); 42 USC 1383**CFR Citation:** 20 CFR 404.1500, app 1**Legal Deadline:** None

Abstract: We are planning to update and revise the rules that we use to evaluate immune system disorders of adults and children who apply for, or receive, disability benefits under title

II and Supplemental Security Income (SSI) payments based on disability under title XVI of the Social Security Act (the Act). The rules we plan on revising are sections 14.00 and 114.00 in the Listing of Impairments in appendix 1 to subpart P of part 404 of our regulations (the listings). These listings include such disorders as HIV infection, other Immunoglobulin deficiency syndromes or deficiencies of cell-mediated immunity, Systemic Lupus Erythematosus, Scleroderma, Polymyositis, Inflammatory Arthritis, and other connective tissue disorders.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 05/09/03 | 68 FR 24896 |
| ANPRM Comment Period End | 07/08/03 | |
| NPRM | 12/00/04 | |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Paul J. Scott, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235—6401
Phone: 410 966—1192

Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965—1769

RIN: 0960—AF33**3903. WAGE REPORTS AND PENSION INFORMATION (809P)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 405; 42 USC 432; 42 USC 902(a)(5)**CFR Citation:** 20 CFR 422.114**Legal Deadline:** None

Abstract: The Social Security Administration (SSA) proposes to amend its rules on processing reports of wages (paper Forms W—2, "Wage and Tax Statement," and W—3 "Transmittal of Income and Tax Statements," or equivalent W—2 and W—3 magnetic media or electronic reports) submitted annually by employers. We are proposing to eliminate the acceptance level for wage reports with unidentified or incorrectly

identified wage items. We are proposing to include electronic filing as a means of wage reporting. Also, we propose replacing references to obsolete technical instruction bulletins with Magnetic Media Reporting and Electronic Filing instructions. We have updated form names and updated the address for obtaining a publication. These rules are intended to ensure that wages are reported to SSA with accurate information so that earnings can be properly credited to employees' Social Security records.

Timetable:

| Action | Date | FR Cite |
|--------|-------|------------|
| NPRM | To Be | Determined |

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** None**Agency Contact:** Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965—1769**RIN:** 0960—AF38**3904. NEW DISABILITY CLAIMS PROCESS—ROLES OF STATE AGENCY (816F)****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** 42 USC 405(a); 42 USC 902(a)(5)

CFR Citation: 20 CFR 404.1512; 20 CFR 404.1513; 20 CFR 404.1526; 20 CFR 404.1527; 20 CFR 404.1529; 20 CFR 404.1546; 20 CFR 404.1615; 20 CFR 404.1616; 20 CFR 416.912; 20 CFR 416.913; 20 CFR 416.926; 20 CFR 416.927; 20 CFR 416.929; 20 CFR 416.946; 20 CFR 416.1015; 20 CFR 416.1016

Legal Deadline: None

Abstract: We plan to revise our regulations that pertain to the processing of initial claims for disability benefits under title II and title XVI of the Social Security Act at the initial and reconsideration steps of the administrative review process. Under these final rules, certain State agency disability examiners, familiarly called "single decisionmakers," will be responsible for the disability determinations in many initial claims for disability benefits. However, they will be able to ask for advice from State

SSA

Long-Term Actions

agency medical or psychological consultants when they decide they need it. We also plan to review other rules to reflect these changes, including our rules about how we decide whether a person's impairment(s) medically equals a listing.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|------------|
| NPRM | 01/19/01 | 66 FR 5494 |
| NPRM Comment Period End | 03/20/01 | |
| Final Action | To Be | Determined |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** State, Federal

Agency Contact: Susan Grier, Social Security Administration, Office of Disability Determinations, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 966—5005

Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235—6401
Phone: 410 965—0020

RIN: 0960—AF44**3905. AMENDMENTS TO ANNUAL EARNINGS TEST REGULATIONS (866F)****Priority:** Substantive, Nonsignificant

Legal Authority: 42 USC 402; 42 USC 403; 42 USC 403(a); 42 USC 405(a); 42 USC 416; 42 USC 423; 42 USC 425; 42 USC 428(a) to 428(e); 42 USC 902(a)(5); PL 106—182

CFR Citation: 20 CFR 404.415; 20 CFR 404.416

Legal Deadline: None

Abstract: The Senior Citizen's Freedom to Work Act of 2000, enacted on April 7, 2000, eliminates the annual earnings test for beneficiaries, starting from the month in which they reach full retirement age.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/25/03 | 68 FR 50985 |
| NPRM Comment Period End | 10/24/03 | |
| Final Action | To Be | Determined |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965—1769

RIN: 0960—AF62**3906. REVISED MEDICAL CRITERIA FOR EVALUATING MENTAL DISORDERS (886P)****Priority:** Other Significant

Legal Authority: 42 USC 405; 42 USC 902(a)(5); 42 USC 1383

CFR Citation: 20 CFR 404.1500, app 1; 20 CFR 404.1520; 20 CFR 404.1520a; 20 CFR 404.1528; 20 CFR 416.920a; 20 CFR 416.928

Legal Deadline: None

Abstract: We are planning to update and revise the rules that we use to evaluate mental disorders of adults and children who apply for, or receive, disability benefits under title II and Supplemental Security Income (SSI) payments based on disability under title XVI of the Social Security Act (the Act). The rules we plan on revising are in sections 404.1520a and 416.920a of our regulations, and sections 12.00 and 112.00 in the Listing of Impairments in appendix 1 to subpart P of part 404 of our regulations (the listings).

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 03/17/03 | 68 FR 12639 |
| ANPRM Comment Period End | 06/16/03 | |
| NPRM | 12/00/04 | |

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Undetermined**Federalism:** Undetermined

Agency Contact: Cathy Lively, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235—6401
Phone: 410 966—1180

RIN: 0960—AF69**3907. STEPCHILD ENTITLEMENT AND TERMINATION REQUIREMENTS (934P)****Priority:** Substantive, Nonsignificant

Legal Authority: 42 USC 402; 42 USC 403(a); 42 USC 403(b); 42 USC 405(a); 42 USC 416; 42 USC 423; 42 USC 425; 42 USC 428(a) to 428(e); 42 USC 902(a)(5)

CFR Citation: 20 CFR 404.339; 20 CFR 404.352; 20 CFR 404.363; 42 CFR 404.364

Legal Deadline: None

Abstract: SSA proposes to amend its regulations to incorporate the changes to the entitlement and termination requirements for stepchild's benefits introduced by the Contract with America Advancement Act of 1996. The statutory changes allow a stepchild to be considered dependent upon an insured stepparent for purposes of entitlement to benefits as a stepchild, only if he or she is receiving at least one-half support from the insured person (stepparent). The changes also require benefit termination when the stepchild's natural parent and the insured stepparent divorce. We propose to extend the termination requirement to include: (1) a divorce that ends the marriage between a stepchild's adoptive parent and the insured stepparent; and (2) a prospective annulment that ends the marriage between a stepchild's natural or adoptive parent and the stepparent. We also propose to include in the regulations our longstanding policy that a stepchild's benefits are terminated when the marriage between the stepchild's parent and the stepparent is annulled from the beginning (ab initio). These proposed rules also correct a cross-reference affecting entitlement to mother's or father's benefits, and reintroduce an inadvertently deleted definition concerning dependency determinations for grandchildren and stepgrandchildren born during the one-year support period relevant to a child's entitlement on the basis of those relationships to insured persons. These rules will reflect enacted legislation and provide accurate and complete guidelines for determining entitlement to benefits.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/12/03 | 68 FR 47877 |
| NPRM Comment Period End | 10/14/03 | |
| Final Action | To Be | Determined |

SSA

Long-Term Actions

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Sherry Pollack, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235—6401
Phone: 410 965—7915

RIN: 0960—AF78

3908. INTERRELATIONSHIP OF OLD—AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM WITH THE RAILROAD RETIREMENT PROGRAM (943I)

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: PL 107—90, sec 103; 42 USC 405(i); 45 USC 231(a) to 231(e); 45 USC 231(l); 45 USC 231(q); 45 USC 231(r)

CFR Citation: 20 CFR 404.1401; 20 CFR 404.1402; 20 CFR 404.1404; 20 CFR 404.1405; 20 CFR 404.1413

Legal Deadline: None

Abstract: These interim final rules implement section 103 of the Railroad Retirement and Survivors' Improvement Act of 2001, which established an alternative railroad annuity vesting requirement for certain categories of individuals. Under the alternative provision, affected railroad workers

with 5 or more years of service (but less than 10) become vested under the Railroad Retirement Act provided all of those years of service accrued after December 31, 1995. The provision was effective on January 1, 2002.

Timetable:

| Action | Date | FR Cite |
|--------------------|------------------|---------|
| Interim Final Rule | To Be Determined | |

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Marilyn Buster, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965—5555

Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235—6401
Phone: 410 965—0020

RIN: 0960—AF82

3909. REVISED MEDICAL CRITERIA FOR EVALUATING HEMATOLOGICAL DISORDERS (974P)
Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 405; 42 USC 902(a)(5); 42 USC 1383

CFR Citation: 20 CFR 404.1500, app 1**Legal Deadline:** None

Abstract: Sections 7.00 and 107.00 (hemic and lymphatic system) of appendix 1 to subpart P of part 404 of our regulations (404.1501 through 404.1599) describe hematological disorders that are considered severe enough to prevent a person from doing any gainful activity, or for a child claiming SSI payments under title XVI, which causes marked and severe functional limitation. We are proposing to revise these sections to ensure that the medical evaluation criteria are up-to-date and consistent with the latest advances in medical knowledge and treatment. The Supplemental Security Income program incorporates and uses the same medical criteria as the Old—Age, Survivors, and Disability Insurance program.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/04 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** None

Agency Contact: Michelle Hungerman, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235—6401
Phone: 410 965—2289

RIN: 0960—AF88

Social Security Administration (SSA)
Completed Actions

3910. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, OTHER NONPROFIT ORGANIZATIONS, AND COMMERCIAL ORGANIZATIONS (547F)
Priority: Info./Admin./Other**CFR Citation:** 20 CFR 435.000**Completed:**

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 05/27/03 | 68 FR 28710 |
| Final Action Effective | 05/27/03 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Robert J. Augustine
Phone: 410 965—0020

RIN: 0960—AE25

3911. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG—FREE WORKPLACE (GRANTS) (554F)
Priority: Substantive, Nonsignificant

CFR Citation: 20 CFR 436.000; 20 CFR 439.000

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 11/26/03 | 68 FR 66533 |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Robert J. Augustine
Phone: 410 965—0020

RIN: 0960—AE27

SSA

Completed Actions

3912. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS AND INDIAN TRIBAL GOVERNMENTS (555F)**Priority:** Info./Admin./Other**CFR Citation:** 20 CFR 437.000**Completed:**

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 05/27/03 | 68 FR 28727 |
| Final Action Effective | 05/27/03 | |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** State, Local, Tribal**Agency Contact:** Robert J. Augustine
Phone: 410 965—0020**RIN:** 0960—AE28**3913. RESTRICTIONS ON LOBBYING IN CONNECTION WITH THE AWARD OF GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS (556F)****Priority:** Info./Admin./Other**CFR Citation:** 20 CFR 438.000**Completed:**

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 05/27/03 | 68 FR 28744 |
| Final Action Effective | 05/27/03 | |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Robert J. Augustine
Phone: 410 965—0020**RIN:** 0960—AE29**3914. EVIDENCE REQUIREMENTS FOR ASSIGNMENT OF SOCIAL SECURITY ADMINISTRATION NUMBERS (SSNS); ASSIGNMENT OF SSNS FOR NONWORK PURPOSES (751F)****Priority:** Other Significant**CFR Citation:** 20 CFR 422.104; 20 CFR 422.107**Completed:**

| Reason | Date | FR Cite |
|----------------------|----------|-------------|
| Final Rule | 09/25/03 | 68 FR 55304 |
| Final Rule Effective | 10/27/03 | |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** State**Agency Contact:** Arthur LaVeck
Phone: 410 966—5665Karen Cool
Phone: 410 966—7094Fran O. Thomas
Phone: 410 966—9822**RIN:** 0960—AF05**3915. CLARIFICATION OF RULES INVOLVING RFC ASSESSMENTS; CLARIFICATION OF USE OF VOCATIONAL EXPERTS AND OTHER SOURCES OF THE SEQUENTIAL EVALUATION PROCESS; INCORPORATION OF "SPECIAL PROFILE" INTO REGS (808F)****Priority:** Other Significant**CFR Citation:** 20 CFR 404.1501; 20 CFR 404.1505; 20 CFR 404.1512; 20 CFR 404.1520; 20 CFR 404.1545; 20 CFR 404.1546; 20 CFR 404.1560; 20 CFR 404.1561; 20 CFR 404.1563; 20 CFR 404.1569a; 20 CFR 404.1594; 20 CFR 416.901; 20 CFR 416.905; 20 CFR 416.912; 20 CFR 416.920; 20 CFR 416.945; 20 CFR 416.946; 20 CFR 416.960 to 416.963; 20 CFR 416.969a; 20 CFR 416.994**Completed:**

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 08/26/03 | 68 FR 51153 |
| Final Action Effective | 09/25/03 | |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Suzanne DiMarino
Phone: 410 965—1769**RIN:** 0960—AF37**3916. ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS (815F)****Priority:** Other Significant**CFR Citation:** 20 CFR 416.200; 20 CFR 416.207; 20 CFR 416.421; 20 CFR 416.640; 20 CFR 416.1231; 20 CFR 416.1242; 20 CFR 416.1245; 20 CFR 416.1247; 20 CFR 416.1320; 20 CFR 416.1321; 20 CFR 416.1335; 20 CFR 416.1337; 20 CFR 416.1618**Completed:**

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/11/03 | 68 FR 53506 |
| Final Action Effective | 10/14/03 | |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Eric Ice
Phone: 410 966—3233Suzanne DiMarino
Phone: 410 965—1769**RIN:** 0960—AF43**3917. CLARIFICATION OF THE DISABILITY EXCLUSION (915P)****Priority:** Substantive, Nonsignificant**CFR Citation:** 20 CFR 404.130(f); 20 CFR 404.211(b)(2); 20 CFR 404.211(e)(1); 20 CFR 404.320(a)**Completed:**

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 09/05/03 | |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Ines Riley
Phone: 410 965—4138Fran O. Thomas
Phone: 410 966—9822**RIN:** 0960—AF71**3918. CLAIMANT IDENTIFICATION PILOT PROJECTS (937F)****Priority:** Other Significant**CFR Citation:** 20 CFR 404.617 (New); 20 CFR 416.217 (New)**Completed:**

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 05/01/03 | 68 FR 23192 |
| Final Action Effective | 05/31/03 | |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**Agency Contact:** Suzanne DiMarino
Phone: 410 965—1769**RIN:** 0960—AF79**3919. ELIMINATION OF SANCTIONS FOR REFUSAL OF VOCATIONAL REHABILITATION SERVICES WITHOUT GOOD CAUSE (938F)****Priority:** Substantive, Nonsignificant**CFR Citation:** 20 CFR 404.401; 20 CFR 404.402; 20 CFR 404.412; 20 CFR 404.421 to 404.423; 20 CFR 404.425; 20 CFR 404.435 to 404.437; 20 CFR 404.458; 20 CFR 404.902; 20 CFR 404.1596; 20 CFR 404.2101 to 2103; 20

SSA

Completed Actions

CFR 404.2109; 20 CFR 404.2113; 20 CFR 404.2116; 20 CFR 404.2117; 20 CFR 416.213; 20 CFR 416.708; 20 CFR 416.1701; 20 CFR 416.1715; 20 CFR 416.2040; 20 CFR 416.2201 to 416.2203; 20 CFR 416.2209; 20 CFR 416.2213; 20 CFR 416.2216; 20 CFR 416.2217

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/07/03 | 68 FR 40119 |
| Final Action Effective | 07/07/03 | |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Melvin Winer
Phone: 410 965—9175Suzanne DiMarino
Phone: 410 965—1769**RIN:** 0960—AF81**3920. AVAILABILITY OF INFORMATION AND RECORDS TO THE PUBLIC (969F)****Priority:** Other Significant**CFR Citation:** 20 CFR 402.125; 20 CFR 402.135; 20 CFR 402.180; 20 CFR 402.190; 20 CFR 402.195**Completed:**

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 10/22/03 | 68 FR 60294 |
| Final Action Effective | 10/22/03 | |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Ethel Burrows
Phone: 410 965—3948Fran O. Thomas
Phone: 410 966—9822**RIN:** 0960—AF91**3921. • EXTENSION OF EXPIRATION DATE FOR SEVERAL BODY SYSTEMS LISTINGS (976F)****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 42 USC 402; 42 USC 405(a); 42 USC 405(b); 42 USC 405(d) to 405(h); 42 USC 416(i); 42 USC 421(a); 42 USC 421(i); 42 USC 422(c); 42 USC 423; 42 USC 425; 42 USC 902(a)(5)**CFR Citation:** 20 CFR 404.1500, app 1**Legal Deadline:** None**Abstract:** We adjudicate claims at the third step of our sequential evaluation process for evaluating disability using the Listing of Impairments (the Listings) under the Social Security and Supplemental Security Income (SSI) programs. This final rule extends until July 1, 2005, the date on which several body system listings will no longer be effective.**Timetable:**

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/20/03 | 68 FR 36911 |
| Final Action Effective | 06/20/03 | |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Nancy Torkas, Policy Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965—1744Fran O. Thomas, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235—6401
Phone: 410 966—9822**RIN:** 0960—AF93**3922. • REVISED MEDICAL CRITERIA FOR EVALUATING AMYOTROPHIC LATERAL SCLEROSIS (989F)****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 42 USC 402; 42 USC 405(a); 42 USC 405(b); 42 USC 405(d) to 405(h); 42 USC 416(i); 42 USC 421(a); 42 USC 422(c); 42 USC 423; 42 USC 425; 42 USC 902(a)(5)**CFR Citation:** 20 CFR 404.1500, app 1; 20 CFR 416.934**Legal Deadline:** None**Abstract:** We are revising the criteria in the Listing of Impairments (the listings) that we use to evaluate amyotrophic lateral sclerosis (ALS). We apply these criteria when you claim benefits based on disability under title II or title XVI of the Social Security Act (the Act). The revision provides that we will find you disabled if you have medical evidence showing that you have ALS.**Timetable:**

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 08/28/03 | 68 FR 51689 |
| Final Action Effective | 08/28/03 | |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Martin J. Sussman, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965—1767**RIN:** 0960—AF95

[FR Doc. 03—24043 Filed 12—19—03; 8:45 am]

BILLING CODE 4191-02-S