



# Federal Register

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**Monday,  
October 31, 2005**

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**Part XLIV**

## **Social Security Administration**

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**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 16, 2005.

**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 Gregory Zwitch, Regulations Officer, Social Security Administration, 100 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235-6401; Telephone (410) 965-1887 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.

Our regulatory agenda includes items to amend our regulations to reflect the Medicare Prescription Drug, Improvement, and Modernization Act of 2004 (Pub. L. 108-173). We are planning regulatory changes to reflect provisions of the Social Security Protection Act of 2004 (Pub. L. 108-203) and the Intelligence Reform and Terrorism

Prevention Act of 2004 (Pub. L. 108-458).

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 2005 regulatory agenda for the Social Security Administration follows.

**Dated:** October 3, 2005

**Gregory Zwitch,**

*SSA Regulations Officer.*

**Social Security Administration—Prerule Stage**

Sequence Number	Title	Regulation Identifier Number
3667	Revised Medical Criteria for Endocrine Disorders (436A) .....	0960-AD78
3668	Revised Medical Criteria for Evaluating Growth Impairments (3163A) .....	0960-AG28

**Social Security Administration—Proposed Rule Stage**

Sequence Number	Title	Regulation Identifier Number
3669	Privacy and Disclosure of Official Records and Information (711P) .....	0960-AE88
3670	Federal Salary Offset (Withholding a Portion of a Federal Employee's Salary To Collect a Delinquent Debt Owed to the Social Security Administration) (721P) ( <b>Reg Plan Seq No. 138</b> ) .....	0960-AE89

## SSA

## Social Security Administration—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
3671	Exemption of Work Activity as a Basis for a Continuing Disability Review (Ticket to Work and Work Incentives Improvement Act of 1999) (725P) <b>(Reg Plan Seq No. 139)</b> .....	0960-AE93
3672	Revised Medical Criteria for Evaluating Immune System Disorders (804P) <b>(Reg Plan Seq No. 140)</b> .....	0960-AF33
3673	Revised Medical Criteria for Evaluating Visual Disorders (805P) .....	0960-AF34
3674	Revised Medical Criteria for Evaluating Neurological Impairments (806P) .....	0960-AF35
3675	Determining Disability for An Individual With Drug Addiction or Alcoholism (851P) .....	0960-AF57
3676	Revised Medical Criteria for Evaluating Respiratory System Disorders (859P) .....	0960-AF58
3677	Revised Medical Criteria for Evaluating Mental Disorders (886P) <b>(Reg Plan Seq No. 141)</b> .....	0960-AF69
3678	Revised Medical Criteria for Evaluating Hematological Disorders (974P) .....	0960-AF88
3679	Amendments to the Ticket to Work and Self-Sufficiency Program (967P) <b>(Reg Plan Seq No. 142)</b> .....	0960-AF89
3680	Elimination of Parent-to-Child Deeming for Individuals Who No Longer Meet the Definition of Spouse of the Natural or Adoptive Parent (793P) .....	0960-AF96
3681	Liability of Representative Payees for Overpayments to Deceased Recipients (796P) .....	0960-AG02
3682	Recontacting Your Medical Source(s) (2241P) .....	0960-AG04
3683	Optometrists as Acceptable Medical Sources To Establish a Medically Determinable Impairment (2261P) .....	0960-AG05
3684	Representative Payment; Policies and Administrative Procedure for Imposing Penalties for False or Misleading Statements or Withholding of Information (2422P) <b>(Reg Plan Seq No. 143)</b> .....	0960-AG09
3685	Issuance of Work Report Receipts, Payment of TWP Months After a Fraud Conviction, Changes to the SEIE, & Expansion of the Reentitlement Period for Childhood DIB Benefits (2502P) <b>(Reg Plan Seq No. 144)</b> .....	0960-AG10
3686	Medicare Part B Income-Related Monthly Adjustment Amount (2101P) <b>(Reg Plan Seq No. 145)</b> .....	0960-AG11
3687	Nonpayment of Benefits to Fugitive Felons and Probation or Parole Violators (2222P) <b>(Reg Plan Seq No. 146)</b> .....	0960-AG12
3688	Changes to the Income and Resources Provisions for SSI Based on Sections 430, 435, and 436 of the Social Security Protection Act (SSPA) of 2004 (2482P) <b>(Reg Plan Seq No. 147)</b> .....	0960-AG13
3689	Continuing Disability Review Failure To Cooperate Process (2763P) <b>(Reg Plan Seq No. 148)</b> .....	0960-AG19
3690	Revised Medical Criteria for Evaluating Hearing Impairments and Disturbance of Labyrinthine-Vestibular Function (2862P) .....	0960-AG20
3691	New Medical Criteria for Evaluating Language and Speech Disorders (2962P) .....	0960-AG21
3692	Prohibition of Entitlement on Earnings Records for Certain Alien Workers (2882P) <b>(Reg Plan Seq No. 149)</b> .....	0960-AG22
3693	Limiting Replacement of Social Security Number Cards (965P) <b>(Reg Plan Seq No. 150)</b> .....	0960-AG25
3694	Priority of Collection of Overpayments from Underpayments Before Reimbursement to Others (3063P) .....	0960-AG26
3695	Age as a Factor in Evaluating Disability (3183P) <b>(Reg Plan Seq No. 151)</b> .....	0960-AG29
3696	Administrative Review Process for Adjudicating Initial Disability Claims (3203F) <b>(Reg Plan Seq No. 152)</b> .....	0960-AG31

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 Identifier Number
3697	Supplemental Standards for Ethical Conduct for Employees of the Social Security Administration (601F) .....	0960-AE48
3698	Dedicated Accounts and Installment Payments for Certain Past Due SSI Benefits (622F) .....	0960-AE59
3699	Evidentiary Requirements for Making Findings About Medical Equivalence (787F) <b>(Reg Plan Seq No. 153)</b> .....	0960-AF19
3700	Expedited Reinstatement of Disability Benefits (Ticket to Work and Work Incentives Improvement Act) (790F) .....	0960-AF21
3701	Revised Medical Criteria for Evaluating Impairments of the Digestive System (800F) <b>(Reg Plan Seq No. 154)</b> .....	0960-AF28
3702	Revisions to the Medical-Vocational Guidelines (823F) .....	0960-AF47
3703	Revised Medical Criteria for Evaluating Cardiovascular Disorders (826F) <b>(Reg Plan Seq No. 155)</b> .....	0960-AF48
3704	Stepchild Entitlement and Termination Requirements (934F) .....	0960-AF78
3705	Administrative Review Process; Incorporation by Reference of Oral Findings of Fact and Rationale in Wholly Favorable Written Decisions (964F) .....	0960-AF92
3706	Rules for Helping Blind and Disabled Individuals Achieve Self-Support (506F) <b>(Reg Plan Seq No. 156)</b> .....	0960-AG00
3707	Medicare Part D Subsidies (1024F) <b>(Reg Plan Seq No. 157)</b> .....	0960-AG03
3708	Work Activity and Income of Persons Working as Members of Advisory Committees Established Under the Federal Advisory Committee Act (FACA) (2382F) .....	0960-AG07
3709	Civil Monetary Penalties, Assessments, and Recommended Exclusions (2362F) <b>(Reg Plan Seq No. 158)</b> .....	0960-AG08
3710	Representation of Parties; Recognition, Disqualification, and Reinstatement of Representative (2602F) .....	0960-AG15
3711	Deemed Duration of Marriage for Widows/Widowers and Removal of Restriction on Benefits to Children of Military Parents Overseas (2883F) .....	0960-AG23
3712	Filing of Applications (3223F) .....	0960-AG32

SSA

Social Security Administration—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
3713	Administrative Review Process; Temporary Extension of Attorney Fee Payment System and Demonstration Project on Extending Fee Withholding and Payment Procedures to Non-attorney Representatives (3246F) .....	0960-AG35

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

Social Security Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3714	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
3715	Enforcement of Nondiscrimination in Social Security Programs or Activities (661P) .....	0960-AE78
3716	SSI Trusts and Transfers of Resources (791P) .....	0960-AF22
3717	Referral of Persons Eligible for Disability or Blindness Benefits to Other Agencies for Vocational Rehabilitation Services (929F) .....	0960-AF80
3718	Mandatory Exclusion of Health Care Providers and Representatives From Participating in Programs Administered by SSA, Including Representative Payment (954F) .....	0960-AF85
3719	Exclusion of Military Pay for Combat Service from Deemed Income and Resources (978P) .....	0960-AF97
3720	\$30 Private Insurance (794P) .....	0960-AF99
3721	Privacy and Disclosure of Official Records and Information; Availability of Information and Records to the Public (2562P) .....	0960-AG14
3722	Review of State Agency Determinations (3184P) .....	0960-AG30
3723	Sixty-Month Period of Employment Requirement for Application of Government Pension Offset Exemption (3022P) .....	0960-AG33
3724	Service of Process (2982F) .....	0960-AG34

Social Security Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3725	Technical Revisions to the Supplemental Security Income (SSI) Regulations on Income and Resources (664F) .....	0960-AE79
3726	Revised Medical Criteria for Evaluating Genitourinary Disorders (802F) .....	0960-AF30
3727	Revised Medical Criteria for Evaluating Impairments Affecting Multiple Body Systems (803F) .....	0960-AF32
3728	Amendments to Annual Earnings Test Regulations (866F) .....	0960-AF62
3729	Revised Medical Criteria for Evaluating Growth Disorders (444P) .....	0960-AF67
3730	Continuation of Benefit Payments to Certain Individuals Who Are Participating in a Program of Vocational Rehabilitation Services, Employment Services, or Other Support Services (925F) .....	0960-AF86
3731	Elimination of Deemed Military Wages (968F) .....	0960-AF90
3732	Update to Divided State Retirement Systems Coverage Group List and Technical Coverage Corrections Required by the Social Security Protection Act of 2004 (2523F) .....	0960-AG18
3733	Technical Amendments to Change a Cross-Reference and to Remove Reference to an Obsolete Form (3042F) ...	0960-AG24
3734	Extension of Expiration Date for Several Body Systems Listings (3103F) .....	0960-AG27

Social Security Administration (SSA)

Prerule Stage

**3667. REVISED MEDICAL CRITERIA FOR ENDOCRINE DISORDERS (436A)**

**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:** 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

## SSA

## Prerule Stage

criteria as the Old-Age, Survivors, and Disability Insurance Program.

**Timetable:**

Action	Date	FR Cite
ANPRM	08/11/05	70 FR 46792
ANPRM Comment Period End	10/11/05	

**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

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-AD78

**3668. • REVISED MEDICAL CRITERIA FOR EVALUATING GROWTH IMPAIRMENTS (3163A)**

**Priority:** Other Significant

**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 are planning to update and revise the rules we use to evaluate growth impairments of individuals under age 18 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 section 100.00 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	09/08/05	70 FR 53323
ANPRM Comment Period End	11/07/05	

**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

Rosemarie Greenwald, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 966-7813

**RIN:** 0960-AG28

## Social Security Administration (SSA)

## Proposed Rule Stage

**3669. PRIVACY AND DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION (711P)**

**Priority:** Other Significant

**Legal Authority:** 5 USC 552; 5 USC 552a; 42 USC 1306(a); 42 USC 902(a)(5)

**CFR Citation:** 20 CFR 401.30; 20 CFR 401.45; 20 CFR 401.55; 20 CFR 401.150; 20 CFR 401.180

**Legal Deadline:** None

**Abstract:** We propose to revise our privacy and disclosure rules to:

1. More fully describe the role and function of the Privacy Officer;
2. Describe safeguards against inappropriate disclosure of personal information when individuals request information about themselves by electronic means (e.g., through the Internet);
3. Conform to special procedures on an individual's access to medical records and access to a minor's medical records

by the minor's parent or legal guardian acting on the minor's behalf.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Chris W. Johnson, Social Insurance Specialist, Social Security Administration, Office of the General Counsel, Office of Public Disclosure, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-8563

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

**RIN:** 0960-AE88

**3670. 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. 138 in part II of this issue of the Federal Register.

**RIN:** 0960-AE89

**3671. EXEMPTION OF WORK ACTIVITY AS A BASIS FOR A CONTINUING DISABILITY REVIEW (TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999) (725P)**

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

**RIN:** 0960-AE93

## SSA

## Proposed Rule Stage

**3672. REVISED MEDICAL CRITERIA FOR EVALUATING IMMUNE SYSTEM DISORDERS (804P)**

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

**RIN:** 0960-AF33

**3673. REVISED MEDICAL CRITERIA FOR EVALUATING VISUAL DISORDERS (805P)**

**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 visual 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 our program experience and advances in medical knowledge, treatment, and methods of evaluating visual disorders.

**Timetable:**

Action	Date	FR Cite
NPRM	08/17/05	70 FR 48342
NPRM Comment Period End	10/17/05	

**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

**3674. REVISED MEDICAL CRITERIA FOR EVALUATING NEUROLOGICAL IMPAIRMENTS (806P)**

**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 are planning to update and revise the rules we use to evaluate neurological impairments 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 section 11.00 and 111.00 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	04/13/05	70 FR 19356
ANPRM Comment Period End	06/13/05	
NPRM	01/00/06	

**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

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

**3675. 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; 42 USC 405(j); 42 USC 422(e); 42 USC 423(d)(2)(c); 42 USC 425; 42 USC 1382(e); 42 USC 1382c(a)(5)(J); 42 USC 1383(a)(2); 42 USC 1383c; 42 USC 1383e

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** We propose to revise our regulations that address drug addiction and alcoholism (DAA) under titles 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	09/00/06	

**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, 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

**3676. 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 are planning to update and revise the rules we use to evaluate respiratory 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 rules we plan on revising are sections 3.00 and 103.00 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	04/13/05	70 FR 19358
ANPRM Comment Period End	06/13/05	
NPRM	09/00/06	

## SSA

## Proposed Rule Stage

**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, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-9098

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**3677. REVISED MEDICAL CRITERIA FOR EVALUATING MENTAL DISORDERS (886P)**

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

**RIN:** 0960-AF69**3678. 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 (hematological disorders) 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	03/00/06	

**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**3679. AMENDMENTS TO THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM (967P)**

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

**RIN:** 0960-AF89**3680. ELIMINATION OF PARENT-TO-CHILD DEEMING FOR INDIVIDUALS WHO NO LONGER MEET THE DEFINITION OF SPOUSE OF THE NATURAL OR ADOPTIVE PARENT (793P)**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** Sec 1614(f)(2) of the Social Security Act**CFR Citation:** 20 CFR 416.1160; 20 CFR 416.1165; 20 CFR 416.1202; 20 CFR 416.1851**Legal Deadline:** None

**Abstract:** We propose to change the Supplemental Security Income (SSI) parent-to-child deeming rules to no longer consider the income and resources of a stepparent when an eligible child resides in the household with a stepparent, but not his or her natural or adoptive parent. We will clarify that a stepparent no longer meets the definition of a "parent" when his or her spouse dies or leaves the household. Thus, an eligible child is not subject to deeming from a stepparent unless the child lives with both his or her natural or adoptive parent and the stepparent. We also propose changing the age at which an individual is no longer considered an ineligible child for purposes of deeming from 21 to 22. We believe this change will simplify our rules for both the public and our public contact employees.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	
Final Action	07/00/06	

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

**Agency Contact:** Sean Balsler, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 966-8918

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

**Related RIN:** Related to 0960-AF24**RIN:** 0960-AF96**3681. LIABILITY OF REPRESENTATIVE PAYEES FOR OVERPAYMENTS TO DECEASED RECIPIENTS (796P)**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** PL 106-169, sec 201; 42 USC 404(a); 42 USC 405(a) ; 42 USC 902(a); 42 USC 1383(b); 42 USC 1383(d)**CFR Citation:** 20 CFR 404.501; 20 CFR 416.537**Legal Deadline:** None

**Abstract:** We propose to revise our regulations to reflect section 201 of Public Law 106-169 that amended 42 U.S.C. sections 404(a) and 1383(b) to make a representative payee personally liable for repayment of a title II/title XVI overpayment to the representative payee on behalf of an individual after the individual's death.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/06	

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

**Agency Contact:** Thelma Allen, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401

## SSA

## Proposed Rule Stage

Phone: 410 965-7966

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Phone: 410 966-9822

RIN: 0960-AG02

### 3682. RECONTACTING YOUR MEDICAL SOURCE(S) (2241P)

**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 421; 42 USC 422(c); 42 USC 423; 42 USC 423 note; 42 USC 425; 42 USC 902(a)(5); 42 USC 1382; 42 USC 1382c; 42 USC 1382h; 42 USC 1382h note; 42 USC 1383(a); 42 USC 1383(c); 42 USC 1383(d)(1); 42 USC 1383b; PL 98-460; PL 104-193

**CFR Citation:** 20 CFR 404.1512; 20 CFR 416.912

**Legal Deadline:** None

**Abstract:** Some courts have interpreted our regulations to require that we recontact a treating source when we do not adopt the treating source's medical opinion, even though we considered the opinion but found that the overall evidence was adequate to decide whether the individual was disabled. Accordingly, we propose to revise our regulations to clarify when we will and will not recontact the individual's treating source(s) or other medical source(s) for additional evidence or clarification when evidence from such source(s) is insufficient or inconsistent, as discussed in sections 404.1527(c) and 416.927(c). We also propose to revise our regulations to explain that we will not recontact the individual's treating source(s) or other medical source(s) if there is sufficient evidence for us to decide whether the individual is disabled.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Mike O'Connor, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-1952

RIN: 0960-AG04

### 3683. OPTOMETRISTS AS ACCEPTABLE MEDICAL SOURCES TO ESTABLISH A MEDICALLY DETERMINABLE IMPAIRMENT (2261P)

**Priority:** Other Significant. 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 421 note; 42 USC 423; 42 USC 423 note; 42 USC 425; 42 USC 902(a)(5); 42 USC 1382; 42 USC 1382c; 42 USC 1382h; 42 USC 1382h note; 42 USC 1383(a); 42 USC 1383(c); 42 USC 1383(d)(1); 42 USC 1383b; PL 104-193; PL 98-460

**CFR Citation:** 20 CFR 404.1513; 20 CFR 416.913

**Legal Deadline:** None

**Abstract:** We propose to revise our rules that affect the Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) programs by expanding the role of optometrists as acceptable medical sources. The rules would provide that we may establish a medically determinable impairment with medical evidence of record from optometrists instead of having to purchase consultative examinations from ophthalmologists.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Tessa Albright, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-7789

Rosemarie Greenwald, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401

Phone: 410 966-7813

RIN: 0960-AG05

### 3684. REPRESENTATIVE PAYMENT; POLICIES AND ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES FOR FALSE OR MISLEADING STATEMENTS OR WITHHOLDING OF INFORMATION (2422P)

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

RIN: 0960-AG09

### 3685. ISSUANCE OF WORK REPORT RECEIPTS, PAYMENT OF TWP MONTHS AFTER A FRAUD CONVICTION, CHANGES TO THE SEIE, & EXPANSION OF THE REENTITLEMENT PERIOD FOR CHILDHOOD DIB BENEFITS (2502P)

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

RIN: 0960-AG10

### 3686. MEDICARE PART B INCOME-RELATED MONTHLY ADJUSTMENT AMOUNT (2101P)

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

RIN: 0960-AG11

### 3687. NONPAYMENT OF BENEFITS TO FUGITIVE FELONS AND PROBATION OR PAROLE VIOLATORS (2222P)

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

RIN: 0960-AG12

### 3688. CHANGES TO THE INCOME AND RESOURCES PROVISIONS FOR SSI BASED ON SECTIONS 430, 435, AND 436 OF THE SOCIAL SECURITY PROTECTION ACT (SSPA) OF 2004 (2482P)

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

RIN: 0960-AG13



## SSA

## Proposed Rule Stage

**3689. CONTINUING DISABILITY REVIEW FAILURE TO COOPERATE PROCESS (2763P)**

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

**RIN:** 0960-AG19

**3690. REVISED MEDICAL CRITERIA FOR EVALUATING HEARING IMPAIRMENTS AND DISTURBANCE OF LABYRINTHINE-VESTIBULAR FUNCTION (2862P)**

**Priority:** Other Significant

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** We are planning to update and revise the rules we use to evaluate hearing impairments and disturbance of labyrinthine-vestibular function 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 section 2.00 and 102.00 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	04/13/05	70 FR 19353
ANPRM Comment Period End	06/13/05	
NPRM	09/00/06	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**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-AG20

**3691. NEW MEDICAL CRITERIA FOR EVALUATING LANGUAGE AND SPEECH DISORDERS (2962P)**

**Priority:** Other Significant

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** We are considering whether to propose new rules for evaluating language and speech disorders by adding a new body system to the Listing of Impairments in appendix 1 to subpart P of part 404 of our regulations (the listings) for these disorders. The new rules would apply to adults and children who apply for, or receive, disability benefits under titles II and XVI of the Social Security Act (the Act).

**Timetable:**

Action	Date	FR Cite
ANPRM	04/13/05	70 FR 19351
ANPRM Comment Period End	06/13/05	
NPRM	09/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:**

Undetermined

**Agency Contact:** Janet Bendann, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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Rosemarie Greenwald, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 966-7813

**RIN:** 0960-AG21

**3692. PROHIBITION OF ENTITLEMENT ON EARNINGS RECORDS FOR CERTAIN ALIEN WORKERS (2882P)**

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

**RIN:** 0960-AG22

**3693. • LIMITING REPLACEMENT OF SOCIAL SECURITY NUMBER CARDS (965P)**

**Regulatory Plan:** This entry is Seq. No. 150 in part II of this issue of the **Federal Register**.

**RIN:** 0960-AG25

**3694. • PRIORITY OF COLLECTION OF OVERPAYMENTS FROM UNDERPAYMENTS BEFORE REIMBURSEMENT TO OTHERS (3063P)**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 42 USC 404; 42 USC 405(a); 42 USC 406; 42 USC 902(a)(5); 42 USC 1320b-17; 42 USC 1381; 42 USC 1382(e); 42 USC 1383(b) and (d); 42 USC 1383(g)

**CFR Citation:** 20 CFR 404.503a (new); 20 CFR 416.543

**Legal Deadline:** None

**Abstract:** We propose to revise our regulations to clarify that overpayment collection will have priority over the payment of underpayments. We state that the Social Security Administration (SSA) will collect an overpayment from an underpayment otherwise payable to an individual or survivor before SSA makes payment to the individual or others. Implementation of these proposed regulatory revisions will yield program savings.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Cheryl Rosensteel, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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Richard M. Bresnick, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-1758

**RIN:** 0960-AG26

SSA

Proposed Rule Stage

**3695. ● AGE AS A FACTOR IN EVALUATING DISABILITY (3183P)**

**Regulatory Plan:** This entry is Seq. No. 151 in part II of this issue of the Federal Register.

**RIN:** 0960-AG29

**3696. ● ADMINISTRATIVE REVIEW PROCESS FOR ADJUDICATING INITIAL DISABILITY CLAIMS (3203F)**

**Regulatory Plan:** This entry is Seq. No. 152 in part II of this issue of the Federal Register.

**RIN:** 0960-AG31

**Social Security Administration (SSA)**

**Final Rule Stage**

**3697. SUPPLEMENTAL STANDARDS FOR ETHICAL CONDUCT FOR EMPLOYEES OF THE SOCIAL SECURITY ADMINISTRATION (601F)**

**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), will 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. This final rule specifies procedural and substantive requirements that are necessary to address ethical issues unique to SSA.

**Timetable:**

Action	Date	FR Cite
NPRM	02/11/05	70 FR 7192
NPRM Comment Period End	03/14/05	
NPRM Comment Period Reopened	05/04/05	
Comment Period End	06/03/05	
Final Action	02/00/06	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Asim Akbari, Attorney, Social Security Administration, Office of the General Counsel, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 966-6581

Richard M. Bresnick, Social Insurance Specialist, Social Security Administration, Office of Regulations,

6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-1758  
**RIN:** 0960-AE48

**3698. 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, Interim Final Rules were published on December 20, 1996. 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

Action	Date	FR Cite
Interim Final Rule Comment Period End	02/18/97	
Final Action	06/00/06	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Lois A. Berg, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-1713

**RIN:** 0960-AE59

**3699. EVIDENTIARY REQUIREMENTS FOR MAKING FINDINGS ABOUT MEDICAL EQUIVALENCE (787F)**

**Regulatory Plan:** This entry is Seq. No. 153 in part II of this issue of the Federal Register.

**RIN:** 0960-AF19

**3700. EXPEDITED REINSTATEMENT OF DISABILITY BENEFITS (TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT) (790F)**

**Priority:** Other Significant

**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 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

## SSA

## Final Rule Stage

termination because his or her disability prevents work activity. Section 112 also provides for payment of provisional benefits for up to 6 months until SSA makes a determination on the requester's entitlement to reinstated benefits.

**Timetable:**

Action	Date	FR Cite
NPRM	10/27/03	68 FR 61162
NPRM Comment Period End	12/26/03	
Comment Period Extended	01/05/04	69 FR 307
Comment Period End	01/16/04	
Final Action	09/30/05	70 FR 57132
Final Action Effective	10/31/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** John Nelson, Social Insurance Specialist, Social Security Administration, Office of Program Development and Research, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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Phone: 410 965-1769

**RIN:** 0960-AF21

**3701. REVISED MEDICAL CRITERIA FOR EVALUATING IMPAIRMENTS OF THE DIGESTIVE SYSTEM (800F)**

**Regulatory Plan:** This entry is Seq. No. 154 in part II of this issue of the *Federal Register*.

**RIN:** 0960-AF28

**3702. REVISIONS TO THE MEDICAL-VOCATIONAL GUIDELINES (823F)**

**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	10/00/05	

**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

**3703. REVISED MEDICAL CRITERIA FOR EVALUATING CARDIOVASCULAR DISORDERS (826F)**

**Regulatory Plan:** This entry is Seq. No. 155 in part II of this issue of the *Federal Register*.

**RIN:** 0960-AF48

**3704. STEPCHILD ENTITLEMENT AND TERMINATION REQUIREMENTS (934F)**

**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; 20 CFR 404.364

**Legal Deadline:** None

**Abstract:** SSA plans 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	01/00/06	

**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  
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Phone: 410 965-0020

**RIN:** 0960-AF78

## SSA

## Final Rule Stage

**3705. ADMINISTRATIVE REVIEW PROCESS; INCORPORATION BY REFERENCE OF ORAL FINDINGS OF FACT AND RATIONALE IN WHOLLY FAVORABLE WRITTEN DECISIONS (964F)****Priority:** Other Significant**Legal Authority:** 42 USC 405(a); 42 USC 405(b); 42 USC 902(a)(5); 42 USC 1383**CFR Citation:** 20 CFR 404.953; 20 CFR 416.1453**Legal Deadline:** None

**Abstract:** These final rules will revise our regulations to provide that if an Administrative Law Judge (ALJ) enters a wholly favorable, oral decision into the record of a hearing, the ALJ may subsequently issue a written decision that gives the findings and reasons for the decision by incorporating by reference the findings and reasons stated orally at the hearing, provided that the ALJ does not determine subsequent to the hearing that the oral findings and reasons should be changed.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/20/04	69 FR 61594
Interim Final Rule Effective	10/20/04	
Interim Final Rule Comment Period End	12/20/04	
Final Action	03/00/06	

**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-AF92**3706. RULES FOR HELPING BLIND AND DISABLED INDIVIDUALS ACHIEVE SELF-SUPPORT (506F)**

**Regulatory Plan:** This entry is Seq. No. 156 in part II of this issue of the *Federal Register*.

**RIN:** 0960-AG00**3707. MEDICARE PART D SUBSIDIES (1024F)**

**Regulatory Plan:** This entry is Seq. No. 157 in part II of this issue of the *Federal Register*.

**RIN:** 0960-AG03**3708. WORK ACTIVITY AND INCOME OF PERSONS WORKING AS MEMBERS OF ADVISORY COMMITTEES ESTABLISHED UNDER THE FEDERAL ADVISORY COMMITTEE ACT (FACA) (2382F)****Priority:** Other Significant**Legal Authority:** 42 USC 423**CFR Citation:** 20 CFR 404.1574; 20 CFR 416.974**Legal Deadline:** None

**Abstract:** We plan to revise our disability regulations under titles II and XVI of the Social Security Act to incorporate a special rule that affects individuals who are receiving payments or providing services as members or consultants of a committee, board, commission, council, or similar group established under the Federal Advisory Committee Act (FACA). Under the revisions, we will not count any earnings an individual is receiving from serving as a member or consultant of a FACA advisory committee when we determine if an individual is engaging in substantial gainful activity under title II or title XVI. In addition, we will not evaluate any of the services the individual is providing as a member or consultant of the FACA advisory committee when determining if the individual has engaged in substantial gainful activity under title II or title XVI.

**Timetable:**

Action	Date	FR Cite
NPRM	06/03/05	70 FR 32550
NPRM Comment Period End	08/02/05	
Final Action	04/00/06	

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

**Agency Contact:** Mary Hoover, Social Insurance Specialist, Social Security Administration, Office of Program Development and Research, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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**RIN:** 0960-AG07**3709. CIVIL MONETARY PENALTIES, ASSESSMENTS, AND RECOMMENDED EXCLUSIONS (2362F)**

**Regulatory Plan:** This entry is Seq. No. 158 in part II of this issue of the *Federal Register*.

**RIN:** 0960-AG08**3710. REPRESENTATION OF PARTIES; RECOGNITION, DISQUALIFICATION, AND REINSTATEMENT OF REPRESENTATIVE (2602F)****Priority:** Other Significant**Legal Authority:** 42 USC 405(a); 42 USC 406; 42 USC 902(a)(5); 42 USC 1383(d)

**CFR Citation:** 20 CFR 404.1705; 20 CFR 404.1745; 20 CFR 404.1750; 20 CFR 404.1755; 20 CFR 404.1765; 20 CFR 404.1770; 20 CFR 404.1790; 20 CFR 404.1799; 20 CFR 416.1505; 20 CFR 416.1545; 20 CFR 416.1550; 20 CFR 416.1555; 20 CFR 416.1565; 20 CFR 416.1570; 20 CFR 416.1590; 20 CFR 416.1599

**Legal Deadline:** None

**Abstract:** We will amend our regulations to explain how we will implement section 206(a)(1) of the Social Security Act (the Act), as amended by section 205 of the Social Security Protection Act of 2004 (Public Law 108-203). As amended, section 206(a)(1) of the Act provides that the Commissioner of Social Security, after due notice and opportunity for hearing, may refuse to recognize as a representative, and may disqualify a representative already recognized, any attorney who has been disbarred or suspended from any court or bar to which he or she was previously admitted to practice or who has been disqualified from participating in or appearing before any Federal program or agency; that the Commissioner may also refuse to recognize, and may disqualify, as a non-attorney representative any attorney who has been disbarred or suspended from any

## SSA

## Final Rule Stage

court or bar to which he or she was previously admitted to practice; and that a representative who has been disqualified or suspended from appearing before SSA as a result of collecting or receiving a fee in excess of the amount authorized shall be barred from appearing before SSA as a representative until full restitution is made to the claimant and, thereby, may be considered for reinstatement only under such rules as the Commissioner may prescribe. We also will make our existing rules regarding the recognition of non-attorneys conform to the proposed new rules that relate to attorneys.

**Timetable:**

Action	Date	FR Cite
NPRM	04/13/05	70 FR 19361
NPRM Comment Period End	06/13/05	
Final Action	04/00/06	

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

**Agency Contact:** William Storey, Social Insurance Specialist, Social Security Administration, Office of Hearings and Appeals, One Skyline Tower, Falls Church, VA 22046  
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**RIN:** 0960-AG15

### 3711. DEEMED DURATION OF MARRIAGE FOR WIDOWS/WIDOWERS AND REMOVAL OF RESTRICTION ON BENEFITS TO CHILDREN OF MILITARY PARENTS OVERSEAS (2883F)

**Priority:** Other Significant

**Legal Authority:** PL 108-203, sec 414; PL 108-203, sec 434; 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)-(e); 42 USC 902 (a) (5)

**CFR Citation:** 20 CFR 404.335; 20 CFR 404.357; 20 CFR 416.216

**Legal Deadline:** None

**Abstract:** We are issuing these final rules to reflect changes in the Social

Security Act (the Act) made by section 414 and 434 of the Social Security Protection Act of 2004 (SSPA), enacted on March 2, 2004. Section 414 added a new situation in which the nine-month duration-of-marriage requirement for surviving spouses is deemed to be met. The duration-of-marriage requirement will be deemed to be met if SSA determines that the surviving spouse claimant and the deceased number holder would have been married for at least nine months, except that it was unlawful for the number holder to divorce the prior spouse by reason of the prior spouse's institutionalization because of mental incompetence or a similar incapacity.

Section 434 removed a restriction that existed for payment of title XVI benefits to children living outside the United States. As a result of section 434, payment of title XVI benefits is extended to children who are born blind or disabled and/or become blind or disabled after their military parents are stationed outside the United States.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/05	

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

**Agency Contact:** Linda Baer, Social Insurance Specialist, Social Security Administration, Office of Income Support Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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**RIN:** 0960-AG23

### 3712. ● FILING OF APPLICATIONS (3223F)

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 42 USC 402(a); 42 USC 402(b); 42 USC 402(c); 42 USC 402(d); 42 USC 402(e); 42 USC 402(f); 42 USC 402(g); 42 USC 402(h)

**CFR Citation:** 20 CFR 404.630

**Legal Deadline:** None

**Abstract:** This final rule will clarify our regulation on protective filing to state that we will protect a claimant's filing date as of the date the claimant or proper applicant on the claimant's behalf completes and transmits to SSA the Personal Information Identification page of the Internet Social Security Benefit Application. This clarification recognizes the new way that we do business over the Internet and is comparable with the way we establish a protective filing date telephonically.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/05	

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

**Agency Contact:** Lola Doyle, Social Insurance Specialist, Social Security Administration, Office of Program Benefits, Office of Income Support Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-5899

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Phone: 410 966-7813

**RIN:** 0960-AG32

### 3713. ● ADMINISTRATIVE REVIEW PROCESS; TEMPORARY EXTENSION OF ATTORNEY FEE PAYMENT SYSTEM AND DEMONSTRATION PROJECT ON EXTENDING FEE WITHHOLDING AND PAYMENT PROCEDURES TO NON-ATTORNEY REPRESENTATIVES (3246F)

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

**Legal Authority:** 42 USC 405(a); 42 USC 406(b); 42 USC 902(a)(5); 42 USC 1383(d); PL 108-203, sec 302; PL 108-203, sec 303

**CFR Citation:** 20 CFR 404.1720; 20 CFR 404.1730; 20 CFR 416.1520; 20 CFR 416.1528; 20 CFR 416.1531 (new)

**Legal Deadline:** None

**Abstract:** We are amending our regulations as required to conform the regulations to the provisions of sections 302 and 303 of the Social Security

## SSA

## Final Rule Stage

Protection Act of 2004 (SSPA, Public Law 108-203). The regulations currently indicate that we apply procedures for fee withholding and direct payment of representatives' fees only under title II of the Social Security Act (the Act), and that those procedures apply only if the representative is an attorney. Section 302 of the SSPA amended the Act to provide for the temporary extension of attorney fee withholding and payment procedures to claims under title XVI of the Act. Section 303 authorizes a five-year nationwide demonstration project providing for the extension of fee withholding and payment procedures to eligible non-attorney representatives

in claims under titles II and XVI of the Act. We are amending our regulations to reflect these statutory changes — i.e., the temporary extension of attorney fee payment procedures to title XVI claims and the payment of fees under the five-year demonstration project to non-attorney representatives in title II and title XVI claims.

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** William Storey, Social Insurance Specialist, Social Security Administration, Office of Hearings and Appeals, One Skyline Tower, Falls Church, VA 22046  
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**RIN:** 0960-AG35

## Social Security Administration (SSA)

## Long-Term Actions

**3714. 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 (SSIPIA) 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 SSIPIA, 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 SSIPIA.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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Phone: 410 965-1769

**RIN:** 0960-AE63

**3715. 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	To Be Determined	

**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  
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**RIN:** 0960-AE78

**3716. 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

## SSA

## Long-Term Actions

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	To Be Determined	

**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, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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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-AF22

### 3717. REFERRAL OF PERSONS ELIGIBLE FOR DISABILITY OR BLINDNESS BENEFITS TO OTHER AGENCIES FOR VOCATIONAL REHABILITATION SERVICES (929F)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 1320b-19 note  
**CFR Citation:** 20 CFR 404.1630; 20 CFR 404.2101 to 404.2109; 20 CFR 404.2111 to 404.2127; 20 CFR 416.101; 20 CFR 416.110; 20 CFR 416.1030; 20 CFR 416.1701; 20 CFR 416.1710; 20 CFR 416.2201 to 416.2209; 20 CFR 416.2211 to 416.2227

**Legal Deadline:** None

**Abstract:** These final rules remove regulatory provisions relating to the requirement to refer for vocational rehabilitation (VR) services those individuals who become entitled to or eligible for disability or blindness benefits under titles II and XVI of the Social Security Act (the Act). These changes are being made to reflect the repeal of section 222(a) and amendment of section 1615(a) of the Act. Prior to their repeal and amendment, these sections of the Act required the Commissioner of Social Security to refer disabled or blind beneficiaries to

a State VR agency or for necessary rehabilitation services. The final rules also remove regulatory provisions for referral of disabled or blind beneficiaries to alternate participants for VR services that have become obsolete.

**Timetable:**

Action	Date	FR Cite
Final Action	To Be Determined	

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

**Agency Contact:** Dan O'Brien, Social Insurance Specialist, Social Security Administration, Office of Employment Support Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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Phone: 410 965-1769

**RIN:** 0960-AF80

### 3718. MANDATORY EXCLUSION OF HEALTH CARE PROVIDERS AND REPRESENTATIVES FROM PARTICIPATING IN PROGRAMS ADMINISTERED BY SSA, INCLUDING REPRESENTATIVE PAYMENT (954F)

**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 final rule will 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	07/02/04	69 FR 40338

Action	Date	FR Cite
NPRM Comment Period End	08/31/04	
Final Action	To Be Determined	

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

**Agency Contact:** Chuck Urban, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-1769

**RIN:** 0960-AF85

### 3719. EXCLUSION OF MILITARY PAY FOR COMBAT SERVICE FROM DEEMED INCOME AND RESOURCES (978P)

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

**Legal Authority:** Sec 1614(f) of the Social Security Act

**CFR Citation:** 20 CFR 416.1161; 20 CFR 416.1202

**Legal Deadline:** None

**Abstract:** These proposed rules would 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

## SSA

## Long-Term Actions

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 9 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 U.S.C. 310; and

2. Family separation allowance received by the ineligible spouse or ineligible parent from one of the uniformed services pursuant to 37 U.S.C. 427 as a result of deployment to or while serving in a combat zone.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**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 Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401

Phone: 410 965-9835

**RIN:** 0960-AF97

**3720. \$30 PRIVATE INSURANCE (794P)**

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

**Legal Authority:** 42 USC 1382(e)

**CFR Citation:** 20 CFR 416.201; 20 CFR 416.211; 20 CFR 416.212; 20 CFR 416.414; 20 CFR 416.571; 20 CFR 416.1149; 20 CFR 416.1165; 20 CFR 416.1167; 20 CFR 416.1202

**Legal Deadline:** None

**Abstract:** These proposed rules make technical and conforming updates to the title XVI regulations based on section 5522(c) of the Balanced Budget Act of 1997 (Pub. L. 105-33). Section 5522(c) eliminated obsolete terminology in section 1611(e)(1) of the Social Security Act that specified particular kinds of medical facilities where the \$30 reduced benefit rate could apply.

Section 5522(c) also amended section 1611(e)(1)(G) of the Social Security Act to extend applicability of temporary institutionalization benefits to children who enter private medical treatment facilities and who otherwise would be subject to a reduced benefit because of private insurance coverage.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:**

Undetermined

**Agency Contact:** Karen E. Kerwath, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401

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Phone: 410 965-1713

**Related RIN:** Previously reported as 0960-AF25

**RIN:** 0960-AF99

**3721. PRIVACY AND DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION; AVAILABILITY OF INFORMATION AND RECORDS TO THE PUBLIC (2562P)**

**Priority:** Other Significant

**Legal Authority:** 5 USC 552; 5 USC 552a; 42 USC 1306(a); 42 USC 902(a)(5)

**CFR Citation:** 20 CFR 401 app A(c)(4); 20 CFR 402.45(e)

**Legal Deadline:** None

**Abstract:** We propose to revise our privacy and disclosure rules to:

1. Add a new section to set out detailed procedures to further preserve the anonymity and protect the physical well-being of employees in abusive relationships or who fear for their physical well-being because of threats from others;

2. Conform SSA's Freedom of Information Act regulations in this respect more closely to Office of Personnel Management (OPM) regulations; and

3. Develop procedures for the protection in the electronic environment of personally identifiable information for at-risk employees.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Edie McCracken, Social Insurance Specialist, Social Security Administration, Office of the General Counsel, Office of Public Disclosure, 6401 Security Boulevard, Baltimore, MD 21235-6401

Phone: 410 965-6117

**RIN:** 0960-AG14

**3722. • REVIEW OF STATE AGENCY DETERMINATIONS (3184P)**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** We are revising the rules that govern our relationship with the State agencies that make disability determinations at the initial and reconsideration levels of the administrative review process. We are revising our rules to provide that we will review at least 50 percent of all State agency disability determinations in initial claims that individuals are under a disability. We are also revising the rules to provide that we will review at least 50 percent of all State agency disability determinations in continuing disability reviews that individuals continue to be under a disability. These rules implement the provisions of section 221(c)(2) and (c)(3) of the Social Security Act (the Act).

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined



## SSA

## Long-Term Actions

**Agency Contact:** Nancy Schoenberg, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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Phone: 410 965-0020

**RIN:** 0960-AG30

**3723. • SIXTY-MONTH PERIOD OF EMPLOYMENT REQUIREMENT FOR APPLICATION OF GOVERNMENT PENSION OFFSET EXEMPTION (3022P)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 108-203, sec 418

**CFR Citation:** 20 CFR 404.408a

**Legal Deadline:** None

**Abstract:** To implement section 418 of the Social Security Protection Act of 2004 (SSPA), we propose to revise our regulations to explain the new 60-month covered employment requirements for Federal, State and local government workers to be exempt from application of the government pension offset (GPO) provision under title II of the Social Security Act (the Act).

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Barbara Jackson, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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**RIN:** 0960-AG33

**3724. • SERVICE OF PROCESS (2982F)**

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

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** We are amending our rules regarding service of legal process in lawsuits involving judicial review of Agency final decisions on individual claims for benefits under titles II, VIII, and/or XVI of the Social Security Act (Act). Under the current rules, summonses and complaints in these types of cases are required to be sent to the Social Security Administration

(SSA), Office of the General Counsel (OGC) in Baltimore, Maryland. These final rules provide that summonses and complaints in these types of cases shall be mailed directly to the OGC office that is responsible for the processing and handling of litigation in the particular jurisdiction in which the complaint has been filed. Current procedures for service of summonses and complaints in all other types of cases filed against SSA, i.e., those that do not involve judicial review of Agency final decisions on individual claims for benefits under titles II, VIII, and/or XVI of the Act, are not affected by this change.

**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Undetermined

**Agency Contact:** Larry Levey, Social Security Administration, Office of the General Counsel, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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**RIN:** 0960-AG34

## Social Security Administration (SSA)

## Completed Actions

**3725. TECHNICAL REVISIONS TO THE SUPPLEMENTAL SECURITY INCOME (SSI) REGULATIONS ON INCOME AND RESOURCES (664F)**

**Priority:** Other Significant

**CFR Citation:** 20 CFR 416, subpart K, app; 20 CFR 416.1124; 20 CFR 416.1142; 20 CFR 416.1203; 20 CFR 416.1204; 20 CFR 416.1210; 20 CFR 416.1233; 20 CFR 416.1235; 20 CFR 416.1236; 20 CFR 416.1248; 20 CFR 416.1249

**Completed:**

Reason	Date	FR Cite
Final Action	07/18/05	70 FR 41135
Final Action Effective	07/18/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Eric Ice  
Phone: 410 966-3233

Robert J. Augustine  
Phone: 410 965-0020

**RIN:** 0960-AE79

**3726. REVISED MEDICAL CRITERIA FOR EVALUATING GENITOURINARY DISORDERS (802F)**

**Priority:** Other Significant

**CFR Citation:** 20 CFR 404.1500, app 1

**Completed:**

Reason	Date	FR Cite
Final Action	07/05/05	70 FR 38582
Final Action Effective	09/06/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Paul J. Scott

## SSA

## Completed Actions

Phone: 410 966-1192

Richard M. Bresnick  
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RIN: 0960-AF30

**3727. REVISED MEDICAL CRITERIA FOR EVALUATING IMPAIRMENTS AFFECTING MULTIPLE BODY SYSTEMS (803F)**

Priority: Other Significant

CFR Citation: 20 CFR 404.1500, app 1

**Completed:**

Reason	Date	FR Cite
Final Action	08/30/05	70 FR 51252
Final Action Effective	10/31/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sharon Arden  
Phone: 410 965-9098

Suzanne DiMarino  
Phone: 410 965-1769

RIN: 0960-AF32

**3728. AMENDMENTS TO ANNUAL EARNINGS TEST REGULATIONS (866F)**

Priority: Other Significant

CFR Citation: 20 CFR 404.415; 20 CFR 404.416

**Completed:**

Reason	Date	FR Cite
Final Action	05/19/05	70 FR 28809
Final Action Effective	06/20/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Dorothy Skipwith  
Phone: 410 965-4231

Suzanne DiMarino  
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RIN: 0960-AF62

**3729. REVISED MEDICAL CRITERIA FOR EVALUATING GROWTH DISORDERS (444P)**

Priority: Other Significant

CFR Citation: 20 CFR 404.1500, app 1; 20 CFR 416, subpart I

**Completed:**

Reason	Date	FR Cite
Withdrawn	08/11/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Regina Connell  
Phone: 410 965-1891

Related RIN: Related to 0960-AD80

RIN: 0960-AF67

**3730. CONTINUATION OF BENEFIT PAYMENTS TO CERTAIN INDIVIDUALS WHO ARE PARTICIPATING IN A PROGRAM OF VOCATIONAL REHABILITATION SERVICES, EMPLOYMENT SERVICES, OR OTHER SUPPORT SERVICES (925F)**

Priority: Other Significant

CFR Citation: 20 CFR 404.316; 20 CFR 404.327 (New); 20 CFR 404.328 (New); 20 CFR 404.337; 20 CFR 404.352; 20 CFR 404.902; 20 CFR 404.1586; 20 CFR 404.1596; 20 CFR 404.1597; 20 CFR 416.1320; 20 CFR 416.1331; 20 CFR 416.1338; 20 CFR 416.1402

**Completed:**

Reason	Date	FR Cite
Final Action	06/24/05	70 FR 36494
Final Action Effective	07/25/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Agency Contact: Mary Hoover  
Phone: 410 965-5651

Suzanne DiMarino  
Phone: 410 965-1769

RIN: 0960-AF86

**3731. ELIMINATION OF DEEMED MILITARY WAGES (968F)**

Priority: Other Significant

CFR Citation: 20 CFR 404.1301

**Completed:**

Reason	Date	FR Cite
Final Action	03/10/05	70 FR 11863
Final Action Effective	03/10/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Gareth N. Dence  
Phone: 410 965-9872

Robert J. Augustine  
Phone: 410 965-0020

RIN: 0960-AF90

**3732. UPDATE TO DIVIDED STATE RETIREMENT SYSTEMS COVERAGE GROUP LIST AND TECHNICAL COVERAGE CORRECTIONS REQUIRED BY THE SOCIAL SECURITY PROTECTION ACT OF 2004 (2523F)**

Priority: Other Significant

CFR Citation: 20 CFR 404.1055; 20 CFR 404.1056; 20 CFR 404.1086; 20 CFR 404.1091; 20 CFR 404.1207

**Completed:**

Reason	Date	FR Cite
Final Action	07/21/05	70 FR 41954
Final Action Effective	07/21/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Cynthia Johnson  
Phone: 410 965-7959

Richard M. Bresnick  
Phone: 410 965-1758

RIN: 0960-AG18

**3733. • TECHNICAL AMENDMENTS TO CHANGE A CROSS-REFERENCE AND TO REMOVE REFERENCE TO AN OBSOLETE FORM (3042F)**

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 405; 42 USC 405(a); 42 USC 412 to 414; 42 USC 416; 42 USC 417; 42 USC 423; 42 USC 902(a)(5)

CFR Citation: 20 CFR 404.141; 20 CFR 422.505

Legal Deadline: None

Abstract: This document contains two technical corrections to our regulations. The first correction changes a cross-reference in our regulations regarding how we credit quarters of coverage for calendar years before 1978. The second correction removes reference to a form that has been obsolete since November 2002.

## SSA

## Completed Actions

**Timetable:**

Action	Date	FR Cite
Final Action	03/24/05	70 FR 14977
Final Action Effective	03/24/05	

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

**Agency Contact:** Rosemarie Greenwald, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 966-7813

**RIN:** 0960-AG24**3734. • EXTENSION OF EXPIRATION DATE FOR SEVERAL BODY SYSTEMS LISTINGS (3103F)****Priority:** Other Significant

**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:** This final rule extends the expiration date for the listings in several body systems in the Listing of Impairments (the listings).

**Timetable:**

Action	Date	FR Cite
Final Action	06/16/05	70 FR 35028
Final Action Effective	06/16/05	

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

**Agency Contact:** Cathy Lively, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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**RIN:** 0960-AG27

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