



Federal Register

**Monday,
December 11, 2006**

Part XLIII

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 April 24, 2006.

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 decisionmakers. 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 also planning regulatory changes to reflect provisions of the Social Security Protection Act of 2004 (Pub. L. 108-203).

Included in our agenda are items that will amend our Ticket to Work regulations originally published in December 2001. The proposed rules, published in September 2005, would expand beneficiary eligibility, increase beneficiary choice and flexibility of services available from both vocational rehabilitation agencies and employment networks, and modify the payment system to employment networks. Final regulations are anticipated in 2006.

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 2006 regulatory agenda for the Social Security Administration follows.

Dated: September 6, 2006.

Gregory Zwitch,
SSA Regulations Officer

Social Security Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3631	Revised Medical Criteria for Endocrine Disorders (436P)	0960-AD78
3632	Revised Medical Criteria for Evaluating Neurological Impairments (806P)	0960-AF35
3633	Determining Disability for an Individual With Drug Addiction or Alcoholism (851P)	0960-AF57
3634	Revised Medical Criteria for Evaluating Respiratory System Disorders (859P)	0960-AF58
3635	Revised Medical Criteria for Evaluating Mental Disorders (886P) (Reg Plan Seq No. 138)	0960-AF69
3636	Revised Medical Criteria for Evaluating Hematological Disorders (974P)	0960-AF88
3637	Elimination of Parent-to-Child Deeming From Stepparents (793P)	0960-AF96
3638	Exclusion of Military Pay for Combat Service From Deemed Income and Resources (978P)	0960-AF97
3639	Technical Updates to Applicability of the Supplemental Security Income (SSI) Reduced Benefit Rate for Individuals Residing in Medical Treatment Facilities (794P)	0960-AF99
3640	Liability of Representative Payees for Overpayments to Deceased Recipients (796P)	0960-AG02
3641	Recontacting Your Medical Source(s) (2241P)	0960-AG04
3642	Revised Medical Criteria for Evaluating Hearing Loss (2862P)	0960-AG20
3643	New Medical Criteria for Evaluating Language and Speech Disorders (2962P)	0960-AG21

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Social Security Administration—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
3644	Additional Insured Status Requirements for Certain Alien Workers (2882P) (Reg Plan Seq No. 139)	0960-AG22
3645	Revised Medical Criteria for Evaluating Growth Impairments (3163P)	0960-AG28
3646	Work Performed by Certain Nonresident Aliens (3316P)	0960-AG37
3647	Revised Medical Criteria for Musculoskeletal Disorders (3318P)	0960-AG38
3648	Methods for Conducting Personal Conference When Waiver of Recovery of Title II or Title XVI Overpayment Cannot Be Approved (3320P)	0960-AG40
3649	Consultative Examination - Annual Onsite Review by DDSs (3338P) (Reg Plan Seq No. 140)	0960-AG41

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
3650	Enforcement of Nondiscrimination in Social Security Programs or Activities (661F)	0960-AE78
3651	Revised Medical Criteria for Evaluating Impairments of the Digestive System (800F) (Reg Plan Seq No. 141)	0960-AF28
3652	Revised Medical Criteria for Evaluating Immune System Disorders (804F) (Reg Plan Seq No. 142)	0960-AF33
3653	Stepchild Entitlement and Termination Requirements (934F)	0960-AF78
3654	Mandatory Exclusion of Health Care Providers and Representatives From Participating in Programs Administered by SSA, Including Representative Payment (954F) (Reg Plan Seq No. 143)	0960-AF85
3655	Amendments to the Ticket to Work and Self-Sufficiency Program (967F) (Reg Plan Seq No. 144)	0960-AF89
3656	Administrative Review Process; Incorporation-by-Reference of Oral Findings of Fact and Rationale in Wholly Favorable Written Decisions (964F)	0960-AF92
3657	Optometrists as Acceptable Medical Sources To Establish a Medically Determinable Impairment (2261F)	0960-AG05
3658	Age as a Factor in Evaluating Disability (3183F) (Reg Plan Seq No. 145)	0960-AG29
3659	Temp Ext of Atty Fee Payment System to Title XVI; 5-Year Demo Project Extending Fee Withholding and Payment Procedures to Eligible Non-Attorney Reps; . . . (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
3660	Supplemental Standards of Ethical Conduct for Employees of the Social Security Administration (601F)	0960-AE48
3661	Dedicated Accounts and Installment Payments for Certain Past Due SSI Benefits (622F)	0960-AE59
3662	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
3663	Privacy and Disclosure of Official Records and Information (711P)	0960-AE88
3664	Revisions to the Medical-Vocational Guidelines (823F)	0960-AF47
3665	Referral of Persons Eligible for Disability or Blindness Benefits to Other Agencies for Vocational Rehabilitation Services (929F)	0960-AF80
3666	Privacy and Disclosure of Official Records and Information; Availability of Information and Records to the Public (2562P)	0960-AG14
3667	Private Printing of Prescribed Applications, Other Forms, and Publications (530P)	0960-AG36

Social Security Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3668	Federal Salary Offset (Withholding a Portion of a Federal Employee's Salary To Collect a Delinquent Debt Owed to the Social Security Administration) (721F)	0960-AE89
3669	Exemption of Work Activity as a Basis for a Continuing Disability Review (Ticket to Work and Work Incentives Improvement Act of 1999) (725F)	0960-AE93
3670	Revised Medical Criteria for Evaluating Visual Disorders (805F)	0960-AF34

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Social Security Administration—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
3671	Rules for Helping Blind and Disabled Individuals Achieve Self-Support (506F)	0960-AG00
3672	Civil Monetary Penalties, Assessments, and Recommended Exclusions (2362F)	0960-AG08
3673	Representative Payment; Policies and Administrative Procedure for Imposing Penalties for False or Misleading Statements or Withholding of Information (2422F)	0960-AG09
3674	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 (2502F)	0960-AG10
3675	Medicare Part B Income-Related Monthly Adjustment Amount (2101F)	0960-AG11
3676	Nonpayment of Benefits to Fugitive Felons and Probation or Parole Violators (2222F)	0960-AG12
3677	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 (2482F)	0960-AG13
3678	Continuing Disability Review Failure To Cooperate Process (2763F)	0960-AG19
3679	Limiting Replacement of Social Security Number Cards (965F)	0960-AG25
3680	Administrative Review Process for Adjudicating Initial Disability Claims (3203F)	0960-AG31
3681	Filing of Applications and Requirements for Widow's and Widower's Benefits (3223F)	0960-AG32
3682	Sixty-Month Period of Employment Requirement for Application of Government Pension Offset Exemption (3022P)	0960-AG33
3683	Extension of the Expiration Date for the Digestive Listings (3324F)	0960-AG39

Social Security Administration (SSA)

Proposed Rule Stage

3631. REVISED MEDICAL CRITERIA FOR ENDOCRINE DISORDERS (436P)

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 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	
NPRM	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Judy Hicks, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-9119

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-AD78

3632. 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 sections 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	05/00/07	

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
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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

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Proposed Rule Stage

3633. 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)(3)(J); 42 USC 1383(a)(2); 42 USC 1383c; 42 USC 1383e**CFR Citation:** Not Yet Determined**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	03/00/07	

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: 410 965-9139Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1769**RIN:** 0960-AF57**3634. 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 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	03/00/07	

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: 410 965-9098Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1769**RIN:** 0960-AF58**3635. REVISED MEDICAL CRITERIA FOR EVALUATING MENTAL DISORDERS (886P)****Regulatory Plan:** This entry is Seq. No. 138 in part II of this issue of the **Federal Register**.**RIN:** 0960-AF69**3636. REVISED MEDICAL CRITERIA FOR EVALUATING HEMATOLOGICAL DISORDERS (974P)****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 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	06/00/07	

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: 410 965-2289Richard M. Bresnick, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-1758**RIN:** 0960-AF88**3637. ELIMINATION OF PARENT-TO-CHILD DEEMING FROM STEPPARENTS (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

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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	12/00/06	

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

Agency Contact: Eric Skidmore, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 597-1833

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**3638. 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: 42 USC 902(a)(5); 42 USC 1381a; 42 USC 1382 to 1382b; 42 USC 1382c(f); 42 USC 1382 note; 42 USC 1383 ; 42 USC 1383b

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

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	03/00/07	

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

Agency Contact: Eric Skidmore, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 597-1833

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-AF97**3639. TECHNICAL UPDATES TO APPLICABILITY OF THE SUPPLEMENTAL SECURITY INCOME (SSI) REDUCED BENEFIT RATE FOR INDIVIDUALS RESIDING IN MEDICAL TREATMENT FACILITIES (794P)****Priority:** Substantive, Nonsignificant

Legal Authority: 42 USC 902(a)(5); 42 USC 1381a; 42 USC 1382; 42 USC 1382 note; 42 USC 1382a to 1382c; 42 USC 1382f; 42 USC 1382h(a); 42 USC 1382h note; 42 USC 1382j; 42 USC 1383; 42 USC 1383b; 48 USC 1681 note

CFR Citation: 20 CFR 416.201; 20 CFR 416.211 to 416.212; 20 CFR 416.414; 20 CFR 416.571; 20 CFR 416.708; 20 CFR 416.1149; 20 CFR 416.1165; 20 CFR 416.1167; 20 CFR 416.1202

Legal Deadline: None

Abstract: We propose to revise our regulations to implement two provisions of the Balanced Budget Act of 1997 that affect the payment of benefits under title XVI of the Social Security Act (the Act). One of the provisions extended 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. The other provision replaced obsolete terminology in the Act that referred to particular kinds of medical facilities and substituted a broader yet more descriptive term.

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Undetermined**Agency Contact:** Curt Dobbs, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-7963

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

Related RIN: Previously reported as 0960-AF25

RIN: 0960-AF99

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Proposed Rule Stage

3640. 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 1383(b)

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	12/00/06	

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
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Phone: 410 966-9822

RIN: 0960-AG02

3641. RECONTACTING YOUR MEDICAL SOURCE(S) (2241P)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 402; 42 USC 405(a) TO 405(b); 42 USC 405(d) to 405(h); 42 USC 416(i); 42 USC 421; 42 USC 421(a); 42 USC 421(i); 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 1383b; 42 USC 1383(c) to 1383(d)(1); PL 98-460; PL 104-193

CFR Citation: 20 CFR 404.1512; 20 CFR 416.912

Legal Deadline: None

Abstract: 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	09/00/07	

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

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

RIN: 0960-AG04

3642. REVISED MEDICAL CRITERIA FOR EVALUATING HEARING LOSS (2862P)

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 hearing loss in 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	06/13/05	
Period End		
NPRM	02/00/07	

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

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

RIN: 0960-AG20

3643. NEW MEDICAL CRITERIA FOR EVALUATING LANGUAGE AND SPEECH DISORDERS (2962P)

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 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	06/13/05	
Period End		
NPRM	12/00/06	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected:

Undetermined

Agency Contact: Janet Bendann, Social Insurance Specialist, Social Security Administration, Office of Disability

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Proposed Rule Stage

Programs, 6401 Security Boulevard,
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RIN: 0960-AG21

3644. ADDITIONAL INSURED STATUS REQUIREMENTS FOR CERTAIN ALIEN WORKERS (2882P)

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

RIN: 0960-AG22

3645. REVISED MEDICAL CRITERIA FOR EVALUATING GROWTH IMPAIRMENTS (3163P)

Priority: Other Significant

Legal Authority: 42 USC 402; 42 USC 405(a) to 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	
NPRM	06/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0960-AG28

3646. WORK PERFORMED BY CERTAIN NONRESIDENT ALIENS (3316P)

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: 20 CFR 404.1036

Legal Deadline: None

Abstract: We propose to revise our regulations on work performed by certain nonresident aliens. We want to clarify that for nonimmigrant aliens with certain types of visas, the critical factor in determining whether the work is covered for Social Security purposes is whether the work is authorized under Department of Homeland Security regulations, not the specific nature of the work. We also propose to add language to explain the difference between "covered work" and "authorized work." Finally, we propose to substitute the word "coverage" for "employment" because "employment" has a specific meaning under the Social Security Act and its use could be confusing in the context of the revisions we propose to make to this regulation section.

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: John Love, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401
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RIN: 0960-AG37

3647. REVISED MEDICAL CRITERIA FOR MUSCULOSKELETAL DISORDERS (3318P)

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 1.00 and 101.00 of appendix 1 to subpart P of part 404 of our regulations (404.1501 through 404.1599) describe those musculoskeletal 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 musculoskeletal 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	01/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0960-AG38

3648. • METHODS FOR CONDUCTING PERSONAL CONFERENCE WHEN WAIVER OF RECOVERY OF TITLE II OR TITLE XVI OVERPAYMENT CANNOT BE APPROVED (3320P)

Priority: Substantive, Nonsignificant.

Major status under 5 USC 801 is undetermined.

Legal Authority: 42 USC 404; 42 USC 405(a); 42 USC 902(a)(5); 42 USC

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Proposed Rule Stage

1383(a) to 1383(d); 42 USC 1383(g); 42 USC 3720A

CFR Citation: 20 CFR 404.506; 20 CFR 416.557

Legal Deadline: None

Abstract: We propose to revise our title II and title XVI regulations on personal conferences when waiver of recovery of an overpayment cannot be approved to allow for the conferences to be conducted by face-to-face, telephone, or video conference.

Timetable:

Action	Date	FR Cite
NPRM	01/00/07	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

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RIN: 0960-AG40

3649. • CONSULTATIVE EXAMINATION – ANNUAL ONSITE REVIEW BY DDSS (3338P)

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

RIN: 0960-AG41

Social Security Administration (SSA)

Final Rule Stage

3650. ENFORCEMENT OF NONDISCRIMINATION IN SOCIAL SECURITY PROGRAMS OR ACTIVITIES (661F)

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	09/13/06	71 FR 53994
NPRM Comment Period End	11/13/06	
Final Rule	09/00/07	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0960-AE78

3651. REVISED MEDICAL CRITERIA FOR EVALUATING IMPAIRMENTS OF THE DIGESTIVE SYSTEM (800F)

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

RIN: 0960-AF28

3652. REVISED MEDICAL CRITERIA FOR EVALUATING IMMUNE SYSTEM DISORDERS (804F)

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

RIN: 0960-AF33

3653. STEPCHILD ENTITLEMENT AND TERMINATION REQUIREMENTS (934F)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 402; 42 USC 403(a) to 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 to 404.364

Legal Deadline: None

Abstract: We will amend our 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 will 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 final 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	10/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

SSA

Final Rule Stage

Government Levels Affected: None

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RIN: 0960-AF78

3654. MANDATORY EXCLUSION OF HEALTH CARE PROVIDERS AND REPRESENTATIVES FROM PARTICIPATING IN PROGRAMS ADMINISTERED BY SSA, INCLUDING REPRESENTATIVE PAYMENT (954F)

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

RIN: 0960-AF85

3655. AMENDMENTS TO THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM (967F)

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

RIN: 0960-AF89

3656. 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) to 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 rules will make final, interim final rules that allow an Administrative Law Judge (ALJ) to enter a wholly favorable, oral decision into the record of a hearing, and 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	03/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0960-AF92

3657. OPTOMETRISTS AS ACCEPTABLE MEDICAL SOURCES TO ESTABLISH A MEDICALLY DETERMINABLE IMPAIRMENT (2261F)

Priority: Other Significant

Legal Authority: 42 USC 402; 42 USC 405(a) to 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 1383b; 42 USC 1383(c) to 1383(d)(1); PL 104-193; PL 98-460

CFR Citation: 20 CFR 404.1513; 20 CFR 416.913

Legal Deadline: None

Abstract: We are revising 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 will provide that we may establish a medically determinable visual impairment with medical evidence of record from optometrists instead of having to purchase consultative examinations from ophthalmologists.

Timetable:

Action	Date	FR Cite
NPRM	03/01/06	71 FR 10456
NPRM Comment Period End	05/01/06	
Final Action	12/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0960-AG05

3658. AGE AS A FACTOR IN EVALUATING DISABILITY (3183F)

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

RIN: 0960-AG29

3659. TEMP EXT OF ATTY FEE PAYMENT SYSTEM TO TITLE XVI; 5-YEAR DEMO PROJECT EXTENDING FEE WITHHOLDING AND PAYMENT PROCEDURES TO ELIGIBLE NON-ATTORNEY REPS; . . . (3246F)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 405(a); 42 USC 406(b); 42 USC 902(a)(5); 42 USC 1383(d); PL 101-508, sec 5106; PL 103-296, sec 321(f); PL 106-170, sec 406; PL 108-203, sec 301; PL 108-203, sec 302; PL 108-203, sec 303

CFR Citation: 20 CFR 404.1703; 20 CFR 404.1717 (new); 20 CFR 404.1720; 20 CFR 404.1730; 20 CFR 416.1503; 20 CFR 416.1517 (new); 20 CFR 416.1520; 20 CFR 416.1528; 20 CFR 416.1530 (new)

Legal Deadline: None

Abstract: We are amending our regulations to conform the regulations to the provisions of sections 301, 302 and 303 of the Social Security Protection Act of 2004 (SSPA, Public Law 108-203); section 406 of the Ticket to Work and Work Incentives Act of 1999 (TWWIA, Public Law 106-170); section 321(f) of the Social Security Independence and Program Improvements Act of 1994 (SSIPIA, Public Law 103-296); and section 5106 of the Omnibus Budget Reconciliation

SSA

Final Rule Stage

Act of 1990 (OBRA 1990, Public Law 101-508). Section 5106 of OBRA 1990 and section 301(f) of the SSIPIA affected the way we define past-due benefits for the purpose of calculating the fees we pay directly for representation of claimants before the Social Security Administration (SSA). Section 406 of the TWWIIA established an assessment for the services required to determine and certify payments to attorneys from the benefits due claimants under title II of the Social Security Act (the Act). Section 301 of the SSPA amended the Act to cap the assessment and to adjust the cap annually based on the cost-of-living computation in section 215(i)(2)(A)(ii) of the Act. Section 302 of the SSPA amended the Act to temporarily extend

the attorney fee withholding, payment and assessment procedures to claims under title XVI of the Act. Section 303 of the SSPA authorizes a 5-year, nationwide demonstration project, under both title II and title XVI of the Act, that extends fee withholding, direct payment and assessment procedures to non-attorney representatives who the Commissioner of Social Security determines have met prerequisites for participating in the project. We are amending our regulations to reflect these statutory changes.

Timetable:

Action	Date	FR Cite
Final Action	01/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0960-AG35

Social Security Administration (SSA)

Long-Term Actions

3660. SUPPLEMENTAL STANDARDS OF 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	To Be	Determined

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

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RIN: 0960-AE48

3661. DEDICATED ACCOUNTS AND INSTALLMENT PAYMENTS FOR CERTAIN PAST DUE SSI BENEFITS (622F)

Priority: Substantive, Nonsignificant

Legal Authority: 31 USC 3720A; 42 USC 902(a)(5); 42 USC 1320b-17; 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

Legal Deadline: Final, Statutory, November 22, 1996, Interim Final Rules were published on December 20, 1996 (PRWORA only). 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 (IAR) 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.

These regulations also reflect amendments to the SSPA made by section 302 of the Social Security Protection Act of 2004, effective May 2005, which provides for the payment of attorney fees by SSA from past due benefits that are payable to an individual. Section 7502 of the Deficit Reduction Act of 2005, enacted February 8, 2006, changed the formula for the payment of SSI installments. The new formula states that when an SSI individual is eligible for past due benefits in an amount which (after reimbursement for IAR and

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Long-Term Actions

attorney/nonattorney fees) equals or exceeds 3 times the individual Federal Benefit Rate, plus any federally administered State supplement, installment payments must be paid.

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	12/00/07	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 0960-AE59

3662. 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	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 0960-AE63

3663. 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	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0960-AE88

3664. 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

SSA

Long-Term Actions

Action	Date	FR Cite
NPRM Comment Period End	09/05/03	
Final Action	To Be Determined	

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

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RIN: 0960-AF47**3665. 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 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

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RIN: 0960-AF80**3666. 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 to 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	06/06/06	71 FR 32494
NPRM Comment Period End	08/07/06	
Final Action	To Be Determined	

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

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RIN: 0960-AG14**3667. PRIVATE PRINTING OF PRESCRIBED APPLICATIONS, OTHER FORMS, AND PUBLICATIONS (530P)****Priority:** Substantive, Nonsignificant

Legal Authority: 42 USC 1320b-10(a)(2)(A)

CFR Citation: 20 CFR 422.527**Legal Deadline:** None

Abstract: The current regulation at 20 CFR 422.527 requires persons to obtain approval from the Social Security Administration (SSA) prior to reproducing, duplicating, or privately printing any application or other form prescribed by the Administration. Such approval is required whether or not the person intends to charge a fee. Section 1140(a)(2)(A) of the Social Security Act (the Act) (42 U.S.C. 1320b-10(a)(2)(A)) prohibits persons from charging a fee to reproduce, reprint, or distribute any SSA application, form, or publication unless authorized by the Commissioner of Social Security in accordance with such regulations as she may prescribe. This proposed rule would amend the current regulation to require SSA pre-approval to reproduce SSA's forms, applications, and publications only if the person intends to charge a fee and prescribe the procedures for obtaining such approval.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

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

SSA

Long-Term Actions

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RIN: 0960-AG36

Social Security Administration (SSA)

Completed Actions

**3668. FEDERAL SALARY OFFSET
(WITHHOLDING A PORTION OF A
FEDERAL EMPLOYEE'S SALARY TO
COLLECT A DELINQUENT DEBT
OWED TO THE SOCIAL SECURITY
ADMINISTRATION) (721F)**

Priority: Other Significant

CFR Citation: 20 CFR 422

Completed:

Reason	Date	FR Cite
Final Action	07/05/06	71 FR 38066
Final Action Effective	08/04/06	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Edward Johns
Phone: 410 965-0392

Suzanne DiMarino
Phone: 410 965-1769

RIN: 0960-AE89

Phone: 410 965-3353

Suzanne DiMarino
Phone: 410 965-1769

RIN: 0960-AE93

**3670. REVISED MEDICAL CRITERIA
FOR EVALUATING VISUAL
DISORDERS (805F)**

Priority: Other Significant

CFR Citation: 20 CFR 404.1500, app 1

Completed:

Reason	Date	FR Cite
Final Action	11/20/06	71 FR 67037
Final Action Effective	02/20/07	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Michelle Hungerman
Phone: 410 965-2289

Rosemarie Greenwald
Phone: 410 966-7813

RIN: 0960-AF34

**3671. RULES FOR HELPING BLIND
AND DISABLED INDIVIDUALS
ACHIEVE SELF-SUPPORT (506F)**

Priority: Other Significant

CFR Citation: 20 CFR 416.1180 to
416.1181; 20 CFR 416.1226; 20 CFR
416.1275

Completed:

Reason	Date	FR Cite
Final Action	05/16/06	71 FR 28262
Final Action Effective	06/15/06	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Mary Hoover
Phone: 410 965-5651

Fran O. Thomas

Phone: 410 966-9822

Related RIN: Previously reported as
0960-AE17

RIN: 0960-AG00

**3672. CIVIL MONETARY PENALTIES,
ASSESSMENTS, AND
RECOMMENDED EXCLUSIONS
(2362F)**

Priority: Other Significant

CFR Citation: 20 CFR 498.100 to
498.104; 20 CFR 498.106; 20 CFR
498.109; 20 CFR 498.114; 20 CFR
498.128

Completed:

Reason	Date	FR Cite
Final Action	05/17/06	71 FR 28574
Final Action Effective	06/16/06	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Kathy Buller
Phone: 410 965-2827

Fran O. Thomas
Phone: 410 966-9822

RIN: 0960-AG08

**3673. REPRESENTATIVE PAYMENT;
POLICIES AND ADMINISTRATIVE
PROCEDURE FOR IMPOSING
PENALTIES FOR FALSE OR
MISLEADING STATEMENTS OR
WITHHOLDING OF INFORMATION
(2422F)**

Priority: Other Significant

CFR Citation: 20 CFR 404.459; 20 CFR
404.2022; 20 CFR 404.2035; 20 CFR
404.2040a; 20 CFR 404.2041; 20 CFR
404.2065; 20 CFR 408.665; 20 CFR
416.622; 20 CFR 416.635; 20 CFR
416.640a; 20 CFR 416.641; 20 CFR
416.665; 20 CFR 416.1340

SSA

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action	10/18/06	71 FR 61403
Final Action Effective	11/17/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Organizations**Government Levels Affected:** None**Agency Contact:** Betsy Byrd
Phone: 410 965-7981

Lois A. Berg

Phone: 410 965-1713

RIN: 0960-AG09

3674. 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 (2502F)**Priority:** Other Significant**CFR Citation:** 20 CFR 404.351; 20 CFR 404.401a; 20 CFR 404.471; 20 CFR 404.903; 20 CFR 404.1588; 20 CFR 404.1592; 20 CFR 416.708(c); 20 CFR 416.1112(c)(3); 20 CFR 416.1403; 20 CFR 416.1861**Completed:**

Reason	Date	FR Cite
Final Action	11/17/06	71 FR 66860
Final Action Effective	12/18/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None**Agency Contact:** Cindy Duzan
Phone: 410 965-4203

Suzanne DiMarino

Phone: 410 965-1769

RIN: 0960-AG10

3675. MEDICARE PART B INCOME-RELATED MONTHLY ADJUSTMENT AMOUNT (2101F)**Priority:** Economically Significant.
Major under 5 USC 801.**CFR Citation:** 20 CFR 418.1001 (New); 20 CFR 418.1005 (New); 20 CFR 418.1010 (New); 20 CFR 418.1101 (New); 20 CFR 418.1105 (New); 20 CFR 418.1110 (New); 20 CFR 418.1115 (New); 20 CFR 418.1120 (New); 20 CFR 418.1125 (New); 20 CFR 418.1130

(New); 20 CFR 418.1135 (New); 20 CFR 418.1140 (New); 20 CFR 418.1145 (New); 20 CFR 418.1150 (New); 20 CFR 418.1201 (New); 20 CFR 418.1205 (New); 20 CFR 418.1210 (New); 20 CFR 418.1215 (New); 20 CFR 418.1220 (New); 20 CFR 418.1225 (New); 20 CFR 418.1230 (New); 20 CFR 418.1235 (New); 20 CFR 418.1240 (New); 20 CFR 418.1245 (New); 20 CFR 418.1250 (New); 20 CFR 418.1255 (New); 20 CFR 418.1260 (New); 20 CFR 418.1265 (New); 20 CFR 418.1270 (New); 20 CFR 418.1301 (New); 20 CFR 418.1305 (New); 20 CFR 418.1310 (New); 20 CFR 418.1315 (New); 20 CFR 418.1320 (New); 20 CFR 418.1325 (New); 20 CFR 418.1330 (New); 20 CFR 418.1335 (New); 20 CFR 418.1340 (New); 20 CFR 418.1345 (New); 20 CFR 418.1350 (New); 20 CFR 418.1355 (New)

Completed:

Reason	Date	FR Cite
Final Action	10/27/06	71 FR 62923
Final Action Effective	12/26/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None**Agency Contact:** Craig Streett
Phone: 410 965-9793

Lois A. Berg

Phone: 410 965-1713

RIN: 0960-AG11

3676. NONPAYMENT OF BENEFITS TO FUGITIVE FELONS AND PROBATION OR PAROLE VIOLATORS (2222F)**Priority:** Other Significant**CFR Citation:** 20 CFR 404.471(new); 20 CFR 404.401; 20 CFR 416.202; 20 CFR 416.1339**Completed:**

Reason	Date	FR Cite
Withdrawn	08/10/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None**Agency Contact:** Gareth N. Dence
Phone: 410 965-9872

Richard M. Bresnick

Phone: 410 965-1758

RIN: 0960-AG12

3677. 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 (2482F)**Priority:** Other Significant**CFR Citation:** 20 CFR 416.1111 to 416.1112; 20 CFR 416.1123 to 416.1124; 20 CFR 416.1161; 20 CFR 416.1210; 20 CFR 416.1250 (New)**Completed:**

Reason	Date	FR Cite
Final Action	08/09/06	71 FR 45375
Final Action Effective	09/08/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None**Agency Contact:** Barbara E. Snyder
Phone: 410 965-5655

Lois A. Berg

Phone: 410 965-1713

RIN: 0960-AG13

3678. CONTINUING DISABILITY REVIEW FAILURE TO COOPERATE PROCESS (2763F)**Priority:** Other Significant**CFR Citation:** 20 CFR 404.1587; 20 CFR 404.1596; 20 CFR 416.992**Completed:**

Reason	Date	FR Cite
Final Action	10/17/06	71 FR 60819
Final Action Effective	12/18/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None**Agency Contact:** Don Harvey
Phone: 410 597-1026

Rosemarie Greenwald

Phone: 410 966-7813

RIN: 0960-AG19

3679. LIMITING REPLACEMENT OF SOCIAL SECURITY NUMBER CARDS (965F)**Priority:** Other Significant**CFR Citation:** 20 CFR 422.103 to 422.110

SSA

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action	07/31/06	71 FR 43054
Final Action Effective	12/16/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Kim Baldwin–Sparks
Phone: 410 966–3224Suzanne DiMarino
Phone: 410 965–1769**RIN:** 0960–AG25**3680. ADMINISTRATIVE REVIEW PROCESS FOR ADJUDICATING INITIAL DISABILITY CLAIMS (3203F)****Priority:** Economically Significant.
Major under 5 USC 801.**CFR Citation:** 20 CFR 404.903; 20 CFR 404.1502; 20 CFR 404.1503; 20 CFR 404.1512; ...**Completed:**

Reason	Date	FR Cite
Final Action	03/31/06	71 FR 16424
Correction	04/10/06	71 FR 17990
Final Action Effective	08/01/06	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Mary Chatel
Phone: 202 358–6094Richard M. Bresnick
Phone: 410 965–1758**RIN:** 0960–AG31**3681. FILING OF APPLICATIONS AND REQUIREMENTS FOR WIDOW'S AND WIDOWER'S BENEFITS (3223F)****Priority:** Other Significant**CFR Citation:** 20 CFR 404.630**Completed:**

Reason	Date	FR Cite
Final Action	04/27/06	71 FR 24812
Final Action Effective	04/27/06	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Lola Doyle
Phone: 410 965–5899Mary Jane Neubauer
Phone: 410 966–7303Peter White
Phone: 410 594–2041Rosemarie Greenwald
Phone: 410 966–7813**RIN:** 0960–AG32**3682. SIXTY-MONTH PERIOD OF EMPLOYMENT REQUIREMENT FOR APPLICATION OF GOVERNMENT PENSION OFFSET EXEMPTION (3022P)****Priority:** Other Significant**CFR Citation:** 20 CFR 404.408a**Completed:**

Reason	Date	FR Cite
Withdrawn	08/10/06	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Gareth N. Dence
Phone: 410 965–9872Richard M. Bresnick
Phone: 410 965–1758**RIN:** 0960–AG33**3683. • EXTENSION OF THE EXPIRATION DATE FOR THE DIGESTIVE LISTINGS (3324F)****Priority:** Other Significant**Legal Authority:** 42 USC 402; 42 USC 405(a) to 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 use the Listing of Impairment (the listings) in appendix 1 to subpart P of this part, at the third step of the sequential evaluation process when we evaluate a claim for benefits based on disability under title II and title XVI of the Social Security Act (the Act). This final rule extends until July 2, 2007, the date on which the listings for the digestive system will no longer be effective.

Other than extending the date during which the digestive listings will be effective, we have made no revisions to the listings; they remain the same as they now appear in the Code of Federal Regulations. This extension will ensure that we continue to have medical evaluation criteria in the listings to adjudicate disability claims in this body system at the third step of the sequential evaluation process.

Timetable:

Action	Date	FR Cite
Final Action	05/05/06	71 FR 26411
Final Action Effective	05/05/06	

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
Phone: 410 966–1180Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965–1769**RIN:** 0960–AG39

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