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**Monday,
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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 October 31, 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 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 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 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.

The spring 2006 regulatory agenda for the Social Security Administration follows.

Dated: March 22, 2006.

Gregory Zwitch,
SSA Regulations Officer.

Social Security Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3552	Revised Medical Criteria for Endocrine Disorders (436P)	0960-AD78
3553	Federal Salary Offset (Withholding a Portion of a Federal Employee's Salary To Collect a Delinquent Debt Owed to the Social Security Administration) (721P)	0960-AE89
3554	Revised Medical Criteria for Evaluating Immune System Disorders (804P)	0960-AF33
3555	Revised Medical Criteria for Evaluating Neurological Impairments (806P)	0960-AF35
3556	Revised Medical Criteria for Evaluating Respiratory System Disorders (859P)	0960-AF58
3557	Revised Medical Criteria for Evaluating Mental Disorders (886P)	0960-AF69
3558	Revised Medical Criteria for Evaluating Hematological Disorders (974P)	0960-AF88
3559	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
3560	Exclusion of Military Pay for Combat Service From Deemed Income and Resources (978P)	0960-AF97
3561	Technical Updates to Applicability of the Supplemental Security Income (SSI) Reduced Benefit Rate for Individuals Residing in Medical Treatment Facilities (794P)	0960-AF99
3562	Liability of Representative Payees for Overpayments to Deceased Recipients (796P)	0960-AG02
3563	Optometrists as Acceptable Medical Sources To Establish a Medically Determinable Impairment (2261P)	0960-AG05
3564	Medicare Part B Income-Related Monthly Adjustment Amount (2101P)	0960-AG11

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Social Security Administration—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
3565	Privacy and Disclosure of Official Records and Information; Availability of Information and Records to the Public (2562P)	0960-AG14
3566	Revised Medical Criteria for Evaluating Hearing Impairments and Disturbance of Labyrinthine-Vestibular Function (2862P)	0960-AG20
3567	New Medical Criteria for Evaluating Language and Speech Disorders (2962P)	0960-AG21
3568	Additional Insured Status Requirements for Certain Alien Workers (2882P)	0960-AG22
3569	Sixty-Month Period of Employment Requirement for Application of Government Pension Offset Exemption (3022P)	0960-AG33
3570	Revised Medical Criteria for Musculoskeletal Disorders (3318P)	0960-AG38

Social Security Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3571	Dedicated Accounts and Installment Payments for Certain Past Due SSI Benefits (622F)	0960-AE59
3572	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
3573	Revised Medical Criteria for Evaluating Impairments of the Digestive System (800F)	0960-AF28
3574	Revised Medical Criteria for Evaluating Visual Disorders (805F)	0960-AF34
3575	Revisions to the Medical-Vocational Guidelines (823F)	0960-AF47
3576	Stepchild Entitlement and Termination Requirements (934F)	0960-AF78
3577	Amendments to the Ticket to Work and Self-Sufficiency Program (967F)	0960-AF89
3578	Administrative Review Process; Incorporation-by-Reference of Oral Findings of Fact and Rationale in Wholly Favorable Written Decisions (964F)	0960-AF92
3579	Rules for Helping Blind and Disabled Individuals Achieve Self-Support (506F)	0960-AG00
3580	Civil Monetary Penalties, Assessments, and Recommended Exclusions (2362F)	0960-AG08
3581	Representative Payment; Policies and Administrative Procedure for Imposing Penalties for False or Misleading Statements or Withholding of Information (2422F)	0960-AG09
3582	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
3583	Nonpayment of Benefits to Fugitive Felons and Probation or Parole Violators (2222F)	0960-AG12
3584	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
3585	Continuing Disability Review Failure To Cooperate Process (2763F)	0960-AG19
3586	Limiting Replacement of Social Security Number Cards (965F)	0960-AG25
3587	Age as a Factor in Evaluating Disability (3183F)	0960-AG29
3588	Administrative Review Process for Adjudicating Initial Disability Claims (3203F)	0960-AG31
3589	Filing of Applications and Requirements for Widow's and Widower's Benefits (3223F)	0960-AG32
3590	Administrative Review Process; 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

Social Security Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3591	Supplemental Standards of Ethical Conduct for Employees of the Social Security Administration (601F)	0960-AE48
3592	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
3593	Enforcement of Nondiscrimination in Social Security Programs or Activities (661P)	0960-AE78
3594	Privacy and Disclosure of Official Records and Information (711P)	0960-AE88
3595	Determining Disability for An Individual With Drug Addiction or Alcoholism (851P)	0960-AF57
3596	Referral of Persons Eligible for Disability or Blindness Benefits to Other Agencies for Vocational Rehabilitation Services (929F)	0960-AF80
3597	Mandatory Exclusion of Health Care Providers and Representatives From Participating in Programs Administered by SSA, Including Representative Payment (954F)	0960-AF85
3598	Recontacting Your Medical Source(s) (2241P)	0960-AG04

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Social Security Administration—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
3599	Revised Medical Criteria for Evaluating Growth Impairments (3163P)	0960-AG28
3600	Private Printing of Prescribed Applications, Other Forms, and Publications (530P)	0960-AG36
3601	Work Performed by Certain Nonresident Aliens (3316P)	0960-AG37

Social Security Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3602	Evidentiary Requirements for Making Findings About Medical Equivalence (787F)	0960-AF19
3603	Expedited Reinstatement of Disability Benefits (Ticket to Work and Work Incentives Improvement Act) (790F)	0960-AF21
3604	SSI Trusts and Transfers of Resources (791P)	0960-AF22
3605	Revised Medical Criteria for Evaluating Cardiovascular Disorders (826F)	0960-AF48
3606	Medicare Part D Subsidies (1024F)	0960-AG03
3607	Work Activity and Income of Persons Working as Members of Advisory Committees Established Under the Federal Advisory Committee Act (FACA) (2382F)	0960-AG07
3608	Representation of Parties; Recognition, Disqualification, and Reinstatement of Representative (2602F)	0960-AG15
3609	Deemed Duration of Marriage for Widows/Widowers and Removal of Restriction on Benefits to Children of Military Parents Overseas (2883F)	0960-AG23
3610	Priority of Collection of Overpayments from Underpayments Before Reimbursement to Others (3063P)	0960-AG26
3611	Review of State Agency Determinations (3184P)	0960-AG30
3612	Service of Process (2982F)	0960-AG34

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Proposed Rule Stage

3552. 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	09/00/06	

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

3553. FEDERAL SALARY OFFSET (WITHHOLDING A PORTION OF A FEDERAL EMPLOYEE'S SALARY TO COLLECT A DELINQUENT DEBT OWED TO THE SOCIAL SECURITY ADMINISTRATION) (721P)

Priority: Other Significant

Legal Authority: 42 USC 404; 42 USC 405; 42 USC 902; 42 USC 1383; 5 USC 5514

CFR Citation: 20 CFR 422

Legal Deadline: None

Abstract: This initiative would enable the Social Security Administration (SSA) to collect from Federal salaries qualifying, delinquent title II and title XVI overpayment debts and administrative debts owed by individuals who are currently Federal employees. The debt collection would be accomplished by the partial reduction of the employee's disposable salary.

Timetable:

Action	Date	FR Cite
NPRM	03/13/06	71 FR 12648

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Action	Date	FR Cite
NPRM Comment Period End	05/12/06	
Final Action	11/00/06	

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

Agency Contact: Edward Johns, Financial Management Analyst, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-0392

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

RIN: 0960-AE89**3554. REVISED MEDICAL CRITERIA FOR EVALUATING IMMUNE SYSTEM DISORDERS (804P)****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 will update and revise the rules that we use to evaluate immune system disorders of adults and children who apply for, or receive, disability benefits under title II and Supplemental Security Income (SSI) payments based on disability under title XVI of the Social Security Act (the Act). The rules we will revise are sections 14.00 and 114.00 in the Listing of Impairments in appendix 1 to subpart P of part 404 of our regulations (the listings). These listings include such disorders as HIV/AIDS, systemic lupus erythematosus, and inflammatory arthritis.

Timetable:

Action	Date	FR Cite
ANPRM	05/09/03	68 FR 24896
ANPRM Comment Period End	07/08/03	
NPRM	08/00/06	

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

Agency Contact: Paul J. Scott, Social Insurance Specialist, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 966-1192

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

RIN: 0960-AF33**3555. 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	11/00/06	

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**3556. 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	10/00/06	

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

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

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

RIN: 0960-AF58**3557. REVISED MEDICAL CRITERIA FOR EVALUATING MENTAL DISORDERS (886P)****Priority:** Other Significant**Legal Authority:** 42 USC 405; 42 USC 902(a)(5); 42 USC 1383**CFR Citation:** 20 CFR 404.1500, app 1; 20 CFR 404.1520; 20 CFR 404.1520a; 20 CFR 404.1528; 20 CFR 416.920a; 20 CFR 416.928**Legal Deadline:** None

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Abstract: We propose to update and revise the rules that we use to evaluate mental disorders of adults and children who apply for, or receive, disability benefits under title II and Supplemental Security Income (SSI) payments based on disability under title XVI of the Social Security Act (the Act). The rules we plan on revising are sections 12.00 and 112.00 in appendix 1 to subpart P of part 404 of our regulations (the listings). These listings include such disorders as affective disorders, schizophrenic disorder, intellectual disabilities, and autistic disorders.

Timetable:

Action	Date	FR Cite
ANPRM	03/17/03	68 FR 12639
ANPRM Comment Period End	06/16/03	
NPRM	11/00/06	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Agency Contact: Marva Franklin, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-1293

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-AF69

3558. 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	09/00/06	

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

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-AF88

3559. 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	10/00/06	

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

3560. 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

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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	10/00/06	

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

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

3561. 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; 42 USC 1382b; 42 USC 1382c; 42 USC 1382f; 42 USC 1382j; 42 USC 1382h(a); 42 USC 1382h note; 42 USC 1383; 48 USC 1681 note

CFR Citation: 20 CFR 416.201; 20 CFR 416.211; 20 CFR 416.212; 20 CFR 416.414; 20 CFR 416.571; 20 CFR 416.708(k); 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	07/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Agency Contact: Curt Dobbs, Social Security 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

3562. 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	09/00/06	

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
Phone: 410 965-7966

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-AG02

3563. OPTOMETRISTS AS ACCEPTABLE MEDICAL SOURCES TO ESTABLISH A MEDICALLY DETERMINABLE IMPAIRMENT (2261P)

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 421 note; 42 USC 423; 42 USC 423 note; 42 USC

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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 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	

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

3564. MEDICARE PART B INCOME-RELATED MONTHLY ADJUSTMENT AMOUNT (2101P)

Priority: Economically Significant.
Major under 5 USC 801.

Legal Authority: 42 USC 902(a)(5); 42 USC 1395r(i)

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 418.1301 (New); 20 CFR 418.1303 (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)

Legal Deadline: None

Abstract: We propose to add to part 418 of our regulations a new subpart B, Medicare Part B Income-Related Monthly Adjustment Amount, to contain the rules we would follow for Medicare Part B income-related monthly adjustment amount determinations. The monthly adjustment amount represents the amount of decrease in the Medicare Part B premium subsidy, i.e., the amount of the Federal Government's contribution to the Federal Supplementary Medical Insurance Trust Fund. This new subpart would implement section 811 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (the Medicare Modernization Act or MMA) and would contain the rules for determining when, based on income, a monthly adjustment amount will be added to a Supplementary Medical Insurance (Medicare Part B) beneficiary's standard monthly premium. These proposed rules describe: what the new subpart is about; what information we would use to determine whether you would pay an income-related monthly adjustment amount and the amount of the adjustment when applicable; when we will consider a major life-changing event that results in a significant reduction in your modified adjusted gross income; and how you can appeal our determination about your income-related monthly adjustment amount.

Timetable:

Action	Date	FR Cite
NPRM	03/03/06	71 FR 10926
NPRM Comment Period End	05/02/06	
Final Action	09/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Craig Streett, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235–6401
Phone: 410 965–9793

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–AG11

3565. 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	07/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Edie McCracken, Social Insurance Specialist, Social

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Proposed Rule Stage

Security Administration, Office of the General Counsel, Office of Public Disclosure, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-6117

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

RIN: 0960-AG14

3566. 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	11/00/06	

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

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

3567. 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
Phone: 410 965-9118

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

3568. ADDITIONAL INSURED STATUS REQUIREMENTS FOR CERTAIN ALIEN WORKERS (2882P)

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

Legal Authority: 42 USC 414(c); 42 USC 423(a)(1)(C); PL 108-203, sec 211

CFR Citation: 20 CFR 404.110; 20 CFR 404.120; 20 CFR 404.130; 20 CFR 404.315; 20 CFR 404.1912; 20 CFR 404.1931

Legal Deadline: None

Abstract: The proposed rule will revise our regulations on insured status to include an additional insured status requirement under section 211 of Public Law 108-203—the Social Security Protection Act of 2004 (SSPA)—for noncitizen workers who were originally assigned a Social Security number (SSN) on or after January 1, 2004. Under this law, a noncitizen worker must meet either of the following additional requirements to be fully or currently insured and to establish entitlement to any title II benefit based on his/her earnings:

- The noncitizen worker must have been issued an SSN for work purposes at any time on or after January 1, 2004; or
- The noncitizen worker must have been admitted to the U.S. at any time as a nonimmigrant visitor for business (immigration category “B-1”) or as an “alien crewman” (immigration category “D-1” or “D-2”).

If a noncitizen worker whose SSN was originally assigned on or after January 1, 2004, does not meet either of these requirements, then he/she is not fully or currently insured; thus entitlement is precluded. This is true even if the noncitizen worker appears to have the required number of quarters of coverage (QCs) in accordance with the regular insured status provisions. While the additional insured status requirement applies directly to certain noncitizen workers, it also affects the entitlement of any person seeking a benefit on the record of a noncitizen who is subject to this law.

A noncitizen worker who was properly assigned a SSN before January 1, 2004, is not subject to section 211 of the SSPA.

Timetable:

Action	Date	FR Cite
NPRM	06/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Jessica Burns, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 966-8481

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Proposed Rule Stage

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-AG22

3569. SIXTY-MONTH PERIOD OF EMPLOYMENT REQUIREMENT FOR APPLICATION OF GOVERNMENT PENSION OFFSET EXEMPTION (3022P)

Priority: Other Significant

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	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Gareth N. Dence, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-9872

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-AG33

3570. • 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	11/00/06	

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, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-9139

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-AG38

Social Security Administration (SSA)

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3571. 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. 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.

However, section 7502 of the Deficit Reduction Act of 2005, enacted on

February 8, 2006, changed the formula for the payment of SSI installments. The effective date for this change in the installment formula is 3 months after the date of enactment. The new formula states when an SSI individual is eligible for past due benefits (plus any federally administered State supplement) in an amount which (after reimbursement for IAR and attorney/nonattorney fees) equals or exceeds 3 times the individual Federal Benefit Rate, plus any federally administered State supplement, installment payments must be paid. All other requirements for the payment of SSI installments remain unchanged.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/20/96	61 FR 67203

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Action	Date	FR Cite
Interim Final Rule Comment Period End	02/18/97	
Final Action	12/00/06	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal

Agency Contact: Bryan J. Mueller, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-9844

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

3572. EXEMPTION OF WORK ACTIVITY AS A BASIS FOR A CONTINUING DISABILITY REVIEW (TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999) (725F)

Priority: Other Significant**Legal Authority:** 42 USC 421(m)

CFR Citation: 20 CFR 404.903; 20 CFR 404.1574; 20 CFR 404.1575; 20 CFR 404.1590; 20 CFR 404.1592a; 20 CFR 404.1594; 20 CFR 416.974; 20 CFR 416.990; 20 CFR 416.994; 20 CFR 416.1403

Legal Deadline: None

Abstract: We are amending our regulations to explain how we will implement section 221(m) of the Social Security Act (the Act). We are amending our regulation to eliminate the use of the secondary substantial gainful activity amount for evaluating work done by an employee prior to January 2001. Section 221(m) affects our rules for when we will conduct a continuing disability review if a beneficiary works and receives benefits under title II of the Act based on disability. (We interpret this section to include beneficiaries who receive both title II disability benefits and Supplemental Security Income (SSI) payments based on disability.) It also affects the way we evaluate work activity when deciding if a beneficiary has engaged in substantial gainful

activity, and affects the standards we use when we determine whether disability continues or ends.

Timetable:

Action	Date	FR Cite
NPRM	10/11/05	70 FR 58999
NPRM Comment Period End	12/12/05	
Final Action	10/00/06	

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

Agency Contact: Kristine Erwin-Tribbitt, Social Insurance Specialist, Social Security Administration, Office of Program Development and Research, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-3353

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

RIN: 0960-AE93

3573. REVISED MEDICAL CRITERIA FOR EVALUATING IMPAIRMENTS OF THE DIGESTIVE SYSTEM (800F)

Priority: Other Significant. Major under 5 USC 801.**Legal Authority:** 42 USC 405; 42 USC 1302; 42 USC 1383**CFR Citation:** 20 CFR 404.1500, app 1**Legal Deadline:** None

Abstract: Sections 5.00 and 105.00, Digestive Disorders, of appendix 1 subpart P of part 404 of our regulations (404.1501 through 404.1599) describe those digestive impairments that are considered severe enough to prevent a person from doing any gainful activity, or for a child claiming SSI payments under title XVI, that causes marked and severe functional limitations. We are revising these sections to ensure that the medical evaluation criteria are up-to-date and consistent with the latest advances in medical knowledge and treatment. The SSI program incorporates by reference and uses the same medical criteria as the old-age, survivors, and disability insurance program.

Timetable:

Action	Date	FR Cite
NPRM	11/14/01	66 FR 57009
NPRM Comment Period End	01/14/02	
NPRM Comment Period Reopened	11/08/04	69 FR 64702
Comment Period End	01/07/05	
Final Action	09/00/06	

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

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

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

RIN: 0960-AF28

3574. REVISED MEDICAL CRITERIA FOR EVALUATING VISUAL DISORDERS (805F)

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: These final rules will 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	
Final Action	09/00/06	

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

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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-AF34

3575. 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	07/00/06	

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

Rosemarie Greenwald, Social Insurance Specialist, Social Security Administration, Office of Regulations,

6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 966-7813

RIN: 0960-AF47

3576. 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; 42 CFR 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	04/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Peter White, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 964-2041

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

RIN: 0960-AF78

3577. AMENDMENTS TO THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM (967F)

Priority: Other Significant

Legal Authority: 42 USC 902(a)(5); 42 USC 1320b-19; PL 106-170, sec 101

CFR Citation: 20 CFR 411.110; 20 CFR 411.120 to 411.155; 20 CFR 411.165; 20 CFR 411.166; 20 CFR 411.170; 20 CFR 411.171; 20 CFR 411.175; 20 CFR 411.180; 20 CFR 411.190; 20 CFR 411.191; 20 CFR 411.210; 20 CFR 411.325; 20 CFR 411.350 to 411.370; 20 CFR 411.385 to 411.390; 20 CFR 411.500 to 411.515; 20 CFR 411.525 to 411.565; 20 CFR 411.566; 20 CFR 411.575 to 411.590

Legal Deadline: None

Abstract: These final rules will revise our current rules that implement the Ticket to Work and Self-Sufficiency Program under section 1148 of the Social Security Act. The rules will expand beneficiary eligibility to receive tickets under this program; clarify the rules for assignment of a beneficiary's ticket to a State vocational rehabilitation (VR) agency; revise the rules for payment when a beneficiary receives services from both a State VR agency and an employment network (EN); and, consistent with the Commissioner's authority in section 1148(h) of the Act, revise the rules for

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milestone and outcome payments, in order to increase the incentives for providers of employment services, vocational rehabilitation services, and other support services to participate in this program.

Timetable:

Action	Date	FR Cite
NPRM	09/30/05	70 FR 57222
NPRM Comment Period End	12/29/05	
Final Action	08/00/06	

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
Phone: 410 597-1632

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

RIN: 0960-AF89

3578. 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 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	09/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: 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-AF92

3579. RULES FOR HELPING BLIND AND DISABLED INDIVIDUALS ACHIEVE SELF-SUPPORT (506F)

Priority: Other Significant

Legal Authority: 42 USC 1383b(d)

CFR Citation: 20 CFR 416.1180 to 416.181; 20 CFR 416.1226

Legal Deadline: None

Abstract: We will amend our regulations to explain how we implement section 203 of the Social Security Independence and Program Improvements Act of 1994 (Pub. L. 103-296). Section 203 of this law amended section 1633 of the Social Security Act to require us to establish by regulations criteria for time limits and other criteria related to plans to achieve self-support (PASS). The law requires that the time limits take into account the length of time that a person needs to achieve his or her occupational goal, within a reasonable period, and other factors as determined by the Commissioner to be appropriate.

Timetable:

Action	Date	FR Cite
NPRM	07/11/05	70 FR 39689
NPRM Comment Period End	09/09/05	
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
Phone: 410 965-5651

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

Related RIN: Previously reported as 0960-AE17

RIN: 0960-AG00

3580. CIVIL MONETARY PENALTIES, ASSESSMENTS, AND RECOMMENDED EXCLUSIONS (2362F)

Priority: Other Significant

Legal Authority: 42 USC 902(a)(5); 42 USC 1320a-8; 42 USC 1320b-10

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

Legal Deadline: None

Abstract: These final regulations will amend the existing regulations for the implementation of section 1129 of the Social Security Act (42 U.S.C. 1320a-8) to: (1) Reflect the expanded authority under section 1129 to impose a civil monetary penalty and/or assessment, as applicable, for certain actions involved in the improper receipt of benefits under title VIII of the Social Security Act; and (2) add as new categories for civil monetary penalty and/or assessment, as applicable under section 1129 (i) representative payees with respect to wrongful conversion, and (ii) individuals who withhold the disclosure of material facts to the SSA if the person knows or should know that withholding of such disclosure is misleading.

These final regulations will also amend the existing regulations for the implementation of section 1140 of the Social Security Act (42 U.S.C. 1320b-10) to: (1) Require an advertiser or direct marketer who offers to assist an individual in obtaining products or services for a fee, that SSA otherwise provides free of charge, to include a written notice on the solicitation/ mailing that the product or service is available from SSA free of charge; and (2) expand the list of terms

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in section 1140 that encompass the scope of words or phrases that the statute prohibits from being used in a misleading manner.

Timetable:

Action	Date	FR Cite
NPRM	03/23/05	70 FR 14603
NPRM Comment Period End	05/23/05	
Final Action	04/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Kathy Buller, Chief Counsel to the Inspector General, Social Security Administration, Office of the Inspector General, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-2827

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-AG08

3581. REPRESENTATIVE PAYMENT; POLICIES AND ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES FOR FALSE OR MISLEADING STATEMENTS OR WITHHOLDING OF INFORMATION (2422F)

Priority: Other Significant

Legal Authority: 42 USC 402; 42 USC 403; 42 USC 404(a); 42 USC 404(e); 42 USC 405(a); 42 USC 405(c); 42 USC 405(j); 42 USC 405(k); 42 USC 416(l); 42 USC 423(e); 42 USC 424a; 42 USC 425; 42 USC 902(a)(5); 42 USC 1007; 42 USC 1010; 42 USC 1320a-8a; 42 USC 1382-1382c; 42 USC 1382h; 42 USC 1383; 48 USC 1801

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

Legal Deadline: None

Abstract: Effective stewardship of SSA programs requires mechanisms to assure that benefits are used to meet the needs of beneficiaries judged incapable of managing or directing

someone else to manage their benefits. Congress determined that improvements to the representative payment procedures were needed to assure program integrity. These final regulations are required to further our program integrity efforts.

In order to reflect and implement section 201 of Public Law 108-203 we have prepared these final regulations for imposing penalties for withholding of information when the person knows or should know that the failure to provide the information is misleading.

Timetable:

Action	Date	FR Cite
NPRM	10/17/05	70 FR 60251
NPRM Comment Period End	12/16/05	
Final Action	09/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Betsy Byrd, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-7981

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-AG09

3582. 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

Legal Authority: 42 USC 402; 42 USC 403; 42 USC 404(a); 42 USC 404(e); 42 USC 405(a) to 405(d); 42 USC 405(h); 42 USC 405 note; 42 USC 416(1); 42 USC 421(a); 42 USC 421(i); 42 USC 421 note; 42 USC 422(c); 42 USC 423(e); 42 USC 425; 42 USC 428(a) to 428(e); 42 USC 902(a); 42 USC 902(5); 42 USC 902 note; 42 USC 1320 a-8a; 42 USC 1320 b-17; 42 USC 1381; 42 USC 1382; 42 USC 1382 note; 42 USC 1382a(b); 42 USC 1383

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

Legal Deadline: None

Abstract: We are amending our rules to reflect and implement sections 202, 208, 420A and 432 of the Social Security Protection Act of 2004 (the SSPA). Section 202 of the SSPA requires us to issue a receipt each time you or your representative report a change in your work activity or give us documentation of a change in your earnings if you receive benefits based on disability under title II or title XVI of the Social Security Act (the Act) until such time as the Commissioner implements a centralized computer file. Section 208 changes the way we pay benefits during the trial work period if you are convicted by a Federal court of fraudulently concealing your work activity. Section 420A allows you to be reentitled to childhood disability benefits at any time if your previous entitlement to childhood disability benefits terminated because of the performance of substantial gainful activity. Section 432 changes the way we decide if you are eligible for the student earned income exclusion. We will also change the SSI student policy to include home schooling as a form of regular school attendance when determining eligibility for the student earned income exclusion.

Timetable:

Action	Date	FR Cite
NPRM	10/18/05	70 FR 60463
NPRM Comment Period End	12/19/05	
Final Action	07/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Cindy Duzan, Social Insurance Specialist, Social Security Administration, Office of Program Development and Research, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-4203

Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations,

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6401 Security Boulevard, Baltimore,
MD 21235
Phone: 410 965-1769

RIN: 0960-AG10

3583. NONPAYMENT OF BENEFITS TO FUGITIVE FELONS AND PROBATION OR PAROLE VIOLATORS (2222F)

Priority: Other Significant

Legal Authority: 42 USC 402; 42 USC 403; 42 USC 404(a); 42 USC 404(e); 42 USC 405(a); 42 USC 405(c); 42 USC 416(l); 42 USC 423(e); 42 USC 424a; 42 USC 425; 42 USC 902(a)(5); 42 USC 1310(b); 42 USC 1320(a); 42 USC 1381a; 42 USC 1382; 42 USC 1382c; 42 USC 1382h(a); 42 USC 1383; 42 USC 1383c; 48 USC 1801

CFR Citation: 20 CFR 404.471(new); 20 CFR 404.401; 20 CFR 416.202; 20 CFR 416.1339

Legal Deadline: None

Abstract: These regulations establish rules for nonpayment of title II benefits to persons avoiding prosecution, custody or confinement after conviction and to persons violating probation or parole. These regulations also include rules for establishing that good cause exists for the Agency to continue to pay for titles II and XVI benefits.

Timetable:

Action	Date	FR Cite
NPRM	12/05/05	70 FR 72411
NPRM Comment Period End	02/03/06	
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

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-AG12

3584. 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

Legal Authority: 42 USC 902(a)(5); 42 USC 1381a; 42 USC 1382; 42 USC 1382a; 42 USC 1382b; 42 USC 1382c(f); 42 USC 1382 note; 42 USC 1383

CFR Citation: 20 CFR 416.1111; 20 CFR 416.1112; 20 CFR 416.1123; 20 CFR 416.1124; 20 CFR 416.1161; 20 CFR 416.1210; 20 CR 416.1250 (New)

Legal Deadline: None

Abstract: These final rules are required to implement legislation, specifically sections 430, 435 and 436 of Public Law 108-203, the Social Security Protection Act of 2004, which was enacted March 2, 2004.

Timetable:

Action	Date	FR Cite
NPRM	09/06/05	70 FR 52949
NPRM Comment Period End	11/07/05	
Final Action	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Barbara E. Snyder, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-5655

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-AG13

3585. CONTINUING DISABILITY REVIEW FAILURE TO COOPERATE PROCESS (2763F)

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); 42 USC 1382; 42 USC 1382c;

42 USC 1382h; 42 USC 1383(a); 42 USC 1383(c); 42 USC 1383(d)(1)

CFR Citation: 20 CFR 404.1587; 20 CFR 404.1596; 20 CFR 416.992

Legal Deadline: None

Abstract: These final rules will amend our regulations to provide that we will suspend your disability benefits before we make a determination during a continuing disability review (CDR) under title II of the Social Security Act (the Act) when you fail to comply with our request for necessary information. Should you remain non-compliant for a period of one year following your suspension, we will then terminate your disability benefits. We are making these revisions to conform our title II policy to our current title XVI policy. Although our current title XVI regulations provide for the suspension and termination of payments after 12 months, we are amending our regulations by restating this policy in the CDR regulatory provisions.

Timetable:

Action	Date	FR Cite
NPRM	12/05/05	70 FR 72416
NPRM Comment Period End	02/03/06	
Final Action	09/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

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-AG19

3586. LIMITING REPLACEMENT OF SOCIAL SECURITY NUMBER CARDS (965F)

Priority: Other Significant

Legal Authority: 42 USC 405; 42 USC 432; 42 USC 902(a)(5); 42 USC 1320b-1; 42 USC 1320b-13; PL 108-458, sec 7213(a)(1)(A)

CFR Citation: 20 CFR 422.103 to 422.110

Legal Deadline: None

Abstract: These final rules will revise our regulations to indicate that replacement SSN cards will be limited to 3 per year and 10 per lifetime. The

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Commissioner will allow certain exceptions to these limits on a case-by-case basis in compelling circumstances. Furthermore, when determining these limits, SSA will not consider replacement SSN cards issued for the purpose of changing the numberholder's (NH) name or for changes in alien status that result in a necessary change to a restrictive legend on the SSN card, because we believe these situations satisfy the compelling circumstances test. We want to ensure the accuracy of our records by encouraging number holders to report name changes and changes in alien status.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/16/05	70 FR 74649
Interim Final Rule	02/14/06	
Comment Period End		
Final Action	08/00/06	

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

Agency Contact: Karen Cool, Social Insurance Specialist, Social Security Administration, OISP, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 966-7094

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

RIN: 0960-AG25**3587. AGE AS A FACTOR IN EVALUATING DISABILITY (3183F)****Priority:** Other Significant

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

CFR Citation: 20 CFR 404.1562 to 404.1563; 20 CFR 404.1568; 20 CFR 404, subpart P, app 2; 20 CFR 416.962; 20 CFR 416.963; 20 CFR 416.968

Legal Deadline: None

Abstract: These final rules will revise the definitions of the age categories we use as one of the criteria in determining disability under titles II and XVI of the Social Security Act (the Act). The changes reflect our adjudicative

experience, advances in medical treatment and healthcare, changes in the workforce since we originally published our rules for considering age in 1978, and current and future increases in the full retirement age under Social Security law. The changes will not affect the rules under part 404 of our regulations for individuals age 55 or older who have statutory blindness. They also will not affect our other rules that are dependent on age, such as the age at which you can qualify for early retirement benefits or for Medicare as a retired individual.

Timetable:

Action	Date	FR Cite
NPRM	11/04/05	70 FR 67101
NPRM Comment	01/03/06	
Period End		
Final Action	01/00/07	

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

Agency Contact: Ellen Rothschild, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 966-7203

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-AG29**3588. ADMINISTRATIVE REVIEW PROCESS FOR ADJUDICATING INITIAL DISABILITY CLAIMS (3203F)****Priority:** Economically Significant. Major under 5 USC 801.

Legal Authority: 42 USC 401(j); 42 USC 404(f); 42 USC 405(a); 42 USC 405(b); ...

CFR Citation: 20 CFR 404.903; 20 CFR 404.1502; 20 CFR 404.1503; 20 CFR 404.1512; ...

Legal Deadline: None

Abstract: In order to improve the accuracy, consistency, and timeliness of decision making throughout its disability determination process, we are changing its four-step administrative review process for benefit claims filed under title II of the Social Security Act

(Act) based on disability, and for applications filed for Supplemental Security Income (SSI) payments based on disability or blindness under title XVI of the Act. We expect that these changes will significantly reduce our current disability case processing times, increase decisional consistency and accuracy, and ensure that the right determination or decision is made as early in the disability determination process as possible.

Timetable:

Action	Date	FR Cite
NPRM	07/27/05	70 FR 43589
NPRM Comment	10/25/05	
Period End		
Final Action	03/31/06	71 FR 16424
Final Action Effective	08/01/06	

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

Agency Contact: Mary Chatel, Executive Director, Social Security Administration, Disability Service Improvement, 500 E Street, SW, Suite 854, Washington, DC 20254
Phone: 202 358-6094

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-AG31**3589. FILING OF APPLICATIONS AND REQUIREMENTS FOR WIDOW'S AND WIDOWER'S BENEFITS (3223F)****Priority:** Other Significant

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

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comparable with the way we establish a protective filing date telephonically.

Timetable:

Action	Date	FR Cite
Final Action	08/00/06	

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 Income Support Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-5899

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

RIN: 0960-AG32

3590. ADMINISTRATIVE REVIEW PROCESS; 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: 26 USC 6041(a); 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 301(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 301(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 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 TWWIA 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.

We are also amending our regulations to allow appointed representatives to elect to have SSA directly pay their authorized fees to their firms. This change is required in connection with the preparations SSA is making to issue Internal Revenue Service Forms 1099, in accordance with section 26 USC 6041, on fees that SSA pays directly for representation of claimants.

Timetable:

Action	Date	FR Cite
Final Action	09/00/06	

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
Phone: 703 605-8276

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-AG35

Social Security Administration (SSA)

Long-Term Actions

3591. 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

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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

3592. 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 (SSPIA) 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 SSPIA, 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 SSPIA.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

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

Phone: 410 965-1769

RIN: 0960-AE63

3593. 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
Phone: 410 965-1769

RIN: 0960-AE78

3594. 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

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

3595. 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

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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	06/00/07	

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: 410 965-9139

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

Phone: 410 965-1769

RIN: 0960-AF57

3596. 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

Agency Contact: Dan O'Brien, Social Insurance Specialist, Social Security Administration, Office of Employment Support Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-1632

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

Phone: 410 965-1769

RIN: 0960-AF80

3597. 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
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
Phone: 410 965-9029

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

RIN: 0960-AF85

3598. RECONTACTING YOUR MEDICAL SOURCE(S) (2241P)

Priority: Substantive, Nonsignificant

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; 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 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: 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

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source(s) if there is sufficient evidence for us to decide whether the individual is disabled.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

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

3599. REVISED MEDICAL CRITERIA FOR EVALUATING GROWTH IMPAIRMENTS (3163P)

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	
NPRM	06/00/07	

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 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

3600. • 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 USC 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

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

RIN: 0960-AG36

3601. • 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	To Be	Determined

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 Phone: 410 965-9034

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-AG37

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3602. EVIDENTIARY REQUIREMENTS FOR MAKING FINDINGS ABOUT MEDICAL EQUIVALENCE (787F)**Priority:** Other Significant**CFR Citation:** 20 CFR 404.1525 to 404.1527; 20 CFR 404.1529; 20 CFR 416.925; 20 CFR 416.926; 20 CFR 416.926a; 20 CFR 416.927; 20 CFR 416.929**Completed:**

Reason	Date	FR Cite
Final Action	03/01/06	71 FR 10419
Final Action Effective	03/31/06	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Tom Phipps
Phone: 410 965-6773Suzanne DiMarino
Phone: 410 965-1769**RIN:** 0960-AF19**3603. EXPEDITED REINSTATEMENT OF DISABILITY BENEFITS (TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT) (790F)****Priority:** Other Significant**CFR Citation:** 20 CFR 404.1592b to 404.1592f; 20 CFR 416.999 to 416.999d**Completed:**

Reason	Date	FR Cite
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
Phone: 410 966-5114Suzanne DiMarino
Phone: 410 965-1769**RIN:** 0960-AF21**3604. SSI TRUSTS AND TRANSFERS OF RESOURCES (791P)****Priority:** Substantive, Nonsignificant**CFR Citation:** 20 CFR 416.1246**Completed:**

Reason	Date	FR Cite
Withdrawn	03/06/06	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Eric Ice
Phone: 410 966-3233Fran O. Thomas
Phone: 410 966-9822**RIN:** 0960-AF22**3605. REVISED MEDICAL CRITERIA FOR EVALUATING CARDIOVASCULAR DISORDERS (826F)****Priority:** Other Significant**CFR Citation:** 20 CFR 404.1500, app 1**Completed:**

Reason	Date	FR Cite
Final Action	01/13/06	71 FR 2311
Final Action Effective	04/13/06	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Larry P. Spain
Phone: 410 965-9139Fran O. Thomas
Phone: 410 966-9822**RIN:** 0960-AF48**3606. MEDICARE PART D SUBSIDIES (1024F)****Priority:** Other Significant**CFR Citation:** 20 CFR 418.3001 (new); 20 CFR 418.3005 (new); 20 CFR 418.3010 (new); 20 CFR 418.3101 (new); 20 CFR 418.3105 (new); 20 CFR 418.3110 (new); 20 CFR 418.3115 (new); 20 CFR 418.3120 (new); 20 CFR 418.3123 (new); 20 CFR 418.3125 (new); 20 CFR 418.3201 (new); 20 CFR 418.3205 (new); 20 CFR 418.3210 (new); 20 CFR 418.3215 (new); 20 CFR 418.3220 (new); 20 CFR 418.3225 (new); 20 CFR 418.3230 (new); 20 CFR 418.3301 (new); 20 CFR 418.3305 (new); 20 CFR 418.3310 (new); 20 CFR 418.3315 (new); 20 CFR 418.3320 (new); 20 CFR 418.3325 (new); 20 CFR 418.3330 (new); 20 CFR 418.3335 (new); 20 CFR 418.3340 (new); 20 CFR 418.3345 (new); 20 CFR 418.3350 (new); 20 CFR 418.3401 (new); 20 CFR 418.3405 (new); 20 CFR 418.3410 (new); 20 CFR 418.3415 (new); 20 CFR 418.3420 (new); 20 CFR 418.3425 (new); 20 CFR 418.3501 (new); 20 CFR 418.3505 (new); 20 CFR 418.3510 (new); 20 CFR 418.3515 (new); 20 CFR

418.3601 (new); 20 CFR 418.3605 (new); 20 CFR 418.3610 (new); 20 CFR 418.3615 (new); 20 CFR 418.3620 (new); 20 CFR 418.3625 (new); 20 CFR 418.3630 (new); 20 CFR 418.3635 (new); 20 CFR 418.3640 (new); 20 CFR 418.3645 (new); 20 CFR 418.3650 (new); 20 CFR 418.3655 (new); 20 CFR 418.3665 (new); 20 CFR 418.3670 (new); 20 CFR 418.3675 (new); 20 CFR 418.3678 (new); 20 CFR 418.3680 (new)

Completed:

Reason	Date	FR Cite
Final Action	12/30/05	70 FR 77664
Final Action Effective	12/30/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Craig Streett
Phone: 410 965-9793Lois A. Berg
Phone: 410 965-1713**RIN:** 0960-AG03**3607. WORK ACTIVITY AND INCOME OF PERSONS WORKING AS MEMBERS OF ADVISORY COMMITTEES ESTABLISHED UNDER THE FEDERAL ADVISORY COMMITTEE ACT (FACA) (2382F)****Priority:** Other Significant**CFR Citation:** 20 CFR 404.1574; 20 CFR 416.974**Completed:**

Reason	Date	FR Cite
Final Action	01/20/06	71 FR 3217
Final Action Effective	02/21/06	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Mary Hoover
Phone: 410 965-5651Robert J. Augustine
Phone: 410 965-0020**RIN:** 0960-AG07

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3608. REPRESENTATION OF PARTIES; RECOGNITION, DISQUALIFICATION, AND REINSTATEMENT OF REPRESENTATIVE (2602F)**Priority:** Other Significant**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**Completed:**

Reason	Date	FR Cite
Final Action	01/18/06	71 FR 2871
Final Action Effective	02/17/06	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** William Storey
Phone: 703 605-8276Richard M. Bresnick
Phone: 410 965-1758**RIN:** 0960-AG15**3609. DEEMED DURATION OF MARRIAGE FOR WIDOWS/WIDOWERS AND REMOVAL OF RESTRICTION ON BENEFITS TO CHILDREN OF MILITARY PARENTS OVERSEAS (2883F)****Priority:** Other Significant**CFR Citation:** 20 CFR 404.335; 20 CFR 404.357; 20 CFR 416.216**Completed:**

Reason	Date	FR Cite
Final Action	10/24/05	70 FR 61364
Final Action Effective	10/24/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Linda Baer
Phone: 410 965-1853Richard M. Bresnick
Phone: 410 965-1758**RIN:** 0960-AG23**3610. PRIORITY OF COLLECTION OF OVERPAYMENTS FROM UNDERPAYMENTS BEFORE REIMBURSEMENT TO OTHERS (3063P)****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**CFR Citation:** 20 CFR 404.503a (new); 20 CFR 416.543**Completed:**

Reason	Date	FR Cite
Withdrawn	03/06/06	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Cheryl Rosensteel
Phone: 410 965-9781Richard M. Bresnick
Phone: 410 965-1758**RIN:** 0960-AG26**3611. REVIEW OF STATE AGENCY DETERMINATIONS (3184P)****Priority:** Substantive, Nonsignificant**CFR Citation:** None**Completed:**

Reason	Date	FR Cite
Withdrawn	08/10/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Nancy Schoenberg
Phone: 410 966-9408Robert J. Augustine
Phone: 410 965-0020**RIN:** 0960-AG30**3612. SERVICE OF PROCESS (2982F)****Priority:** Substantive, Nonsignificant**CFR Citation:** 20 CFR 423.1**Completed:**

Reason	Date	FR Cite
Final Action	12/09/05	70 FR 73135
Final Action Effective	12/09/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Larry Levey
Phone: 410 965-3460Robert J. Augustine
Phone: 410 965-0020**RIN:** 0960-AG34

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