Monday,
December 13, 2004

Part XLV

Social Security Administration

Semiannual Regulatory Agenda
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 June 28, 2004.

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

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

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

We continue to seek legislative improvements for the programs we administer. However, because of the complexity of our programs, statutory language is rarely detailed enough to govern the actions of agency adjudicative 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 counsel.

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).

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

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

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

The fall 2004 regulatory agenda for the Social Security Administration follows.


Martin J. Sussman,
SSA Regulations Officer.

Social Security Administration—Proposed Rule Stage

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## Social Security Administration (SSA) Proposed Rule Stage

### 3694. REVISED MEDICAL CRITERIA FOR ENDOCRINE DISORDERS (436P)

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 42 USC 405; 42 USC 902(a)(5); 42 USC 1383  
**CFR Citation:** 20 CFR 404.1500, app 1  
**Legal Deadline:** None  
**Abstract:** Sections 9.00 and 109.00 of appendix 1 to subpart P of part 404 of our regulations (404.1501 through 404.1599) describe those endocrine impairments that are considered severe enough to prevent a person from doing any gainful activity, or in the case of a child claiming SSA payments under title XVI, that cause marked and severe functional limitations. We are proposing to revise the criteria in these sections to reflect advances in medical knowledge, treatment, and methods of evaluating endocrine impairments. The Supplemental Security Income Program incorporates and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance Program.  

**Timetable:**  
**Action** | **Date** | **FR Cite**  
--- | --- | ---  
NPRM | 12/00/04 |  
**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Agency Contact:** Bonnie Davis, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235–6401  
Phone: 410 965–4172  
Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235–6401  
Phone: 410 965–0020  
**RIN:** 0960–AD78

### 3695. SUPPLEMENTAL STANDARDS FOR ETHICAL CONDUCT FOR EMPLOYEES OF THE SOCIAL SECURITY ADMINISTRATION (601P)

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 5 USC app, Ethics in Government Act of 1978; 5 USC 7301; 5 USC 7353  
**CFR Citation:** 5 CFR ch LXXXI (New)  
**Legal Deadline:** None  
**Abstract:** The Social Security Administration (SSA), with the concurrence of the Office of Governamnt Ethics (OGE), proposes to issue regulations for officers and employees of SSA that supplement the OGE Standards of Ethical Conduct for Employees of the Executive Branch, which became effective February 3, 1993. The proposed rule specifies procedural and substantive requirements that are necessary to address ethical issues unique to SSA.
Regulatory Flexibility Analysis
NPRM 09/00/05
Action Date FR Cite
NPRM 01/00/05

Government Levels Affected:
Undetermined
Agency Contact: Sean Balser, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965–7908
Email: sean.balser@ssa.gov

Richard M Bresnick, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965–1758
Fax: 410 966–2830
Email: richard.m.bresnick@ssa.gov

RIN: 0960–AE48

3696. DEEMING OF INCOME FROM AN INELIGIBLE SPOUSE TO AN ELIGIBLE INDIVIDUAL AND AN ELIGIBLE CHILD (606P)

Priority: Substantive, Nonsignificant
Legal Authority: 42 USC 902(a)(5); 42 USC 1381a; 42 USC 1382; 42 USC 1382a; 42 USC 1382b; 42 USC 1382c(f); 42 USC 1382j; 42 USC 1383
CFR Citation: 20 CFR 416.1160; 20 CFR 416.1165; 20 CFR 416.1166

Legal Deadline: None
Abstract: This proposed rule would revise the method used under the SSI program to determine income for a child who lives with both parents where one parent is ineligible for SSI because of income deemed from an ineligible spouse. Instead of deeming any excess income from the ineligible spouse to the child, referred to as “pass-through deeming,” we would deem income to the child using the method we use where neither parent files for SSI. Under current rules, “pass-through” deeming has had the unintended effect of deeming more income than would have been deemed if the regular rules for deeming from ineligible parents who do not file for SSI are used.

Timetable:
Action Date FR Cite
NPRM 09/00/05

Regulatory Flexibility Analysis Required:
NPRM 09/00/05
Action Date FR Cite
NPRM 03/00/05

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
Fax: 410 966–2830
Email: eileen.inglesby-houghton@ssa.gov

RIN: 0960–AE63

3698. 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 03/00/05

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
3699. PRIVACY AND DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION (711P)

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

RIN: 0960–AE78

3700. FEDERAL SALARY OFFSET (WITHHOLDING A PORTION OF A FEDERAL EMPLOYEE’S SALARY TO COLLECT A DELINQUENT DEBT OWED TO THE SOCIAL SECURITY ADMINISTRATION) (721P)

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

RIN: 0960–AE88

3701. EXEMPTION OF WORK ACTIVITY AS A BASIS FOR A CONTINUING DISABILITY REVIEW (TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999) (725P)

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

RIN: 0960–AE93

3702. MEDICAL EQUIVALENCE FOR ADULTS AND CHILDREN (787P)

Priority: Substantive, Nonsignificant

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


Legal Deadline: None

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

Timetable:

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Jane Deweib, Social Security Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235–6401

Phone: 410 965–0020

RIN: 0960–AF22

3704. REVISED MEDICAL CRITERIA FOR EVALUATING IMMUNE SYSTEM DISORDERS (804P)

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

RIN: 0960–AF33

3705. DISABILITY INSURANCE PROGRAM DEMONSTRATION PROJECT AUTHORITY (TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999) (789P)

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 434

CFR Citation: 20 CFR 404.1599

Legal Deadline: None

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

Timetable:

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Albert Fatu, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235–6401

Phone: 410 965–9866

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

Phone: 410 965–1769

RIN: 0960–AF41
3706. REVISED MEDICAL CRITERIA FOR EVALUATING CARDIOVASCULAR DISORDERS (826P)

Priority: Other Significant
Legal Authority: 42 USC 405; 42 USC 902(a)(5); 42 USC 1383
CFR Citation: 20 CFR 404.1500, app 1

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

Timetable:

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<td>69 FR 55874</td>
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<td>NPRM Comment</td>
<td>11/15/04</td>
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Regulatory Flexibility Analysis
Required: None

Government Levels Affected: None
Agency Contact: Bonnie Davis, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235–6401
Phone: 410 965–4172

Karen E. Kerwath, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 966–9822

RIN: 0960–AF89

3707. AMENDMENTS TO THE TICKET TO WORK AND SELF–SUFFICIENCY PROGRAM (967P)

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

RIN: 0960–AF89

3708. ELIMINATION OF PARENT–TO–CHILD DEEMING FOR INDIVIDUALS WHO NO LONGER MEET THE DEFINITION OF SPOUSE OF THE NATURAL OR ADOPTIVE PARENT (793P)

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

RIN: 0960–AF96

3709. EXCLUSION OF MILITARY PAY FOR COMBAT SERVICE FROM DEEMED INCOME AND RESOURCES (978P)

Priority: Substantive, Nonsignificant.
Legal Authority: Sec 1614(f) of the Social Security Act
CFR Citation: 20 CFR 416.1161; 20 CFR 416.1202

Legal Deadline: None

Abstract: These proposed rules would provide for excluding additional military pay for combat service from countable income and resources when we determine the eligibility of children and spouses of military personnel for Supplemental Security Income (SSI). The exclusions ensure that the SSI benefits of children and spouses of military personnel are not adversely affected by the deployment of their family members to a combat zone. Under these rules, in determining an individual’s eligibility for SSI, we would not count the following types of income of an ineligible parent or spouse:
Any additional increment in pay, other than any increase in basic pay, received while serving as a member of the uniformed services, if:
1. The spouse or parent received the pay as a result of deployment to or while serving in a combat zone; and
2. The spouse or parent was not receiving the additional pay immediately prior to deployment to or service in a combat zone.

Under these rules, we also would exclude from deemed resources for nine months following the month of receipt, the unspent portion of any retroactive payment of:
1. Special pay (hostile fire and imminent danger pay) received by the ineligible spouse or ineligible parent from one of the uniformed services pursuant to 37 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:

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Regulatory Flexibility Analysis
Required: No

Small Entities Affected: None
Agency Contact: Karen E. Kerwath, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235–6401
Phone: 410 965–9835

RIN: 0960–AF97

3710. $30 PRIVATE INSURANCE (794P)

Priority: Substantive, Nonsignificant.
Legal Authority: 42 USC 1382(e)

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)(C) 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.

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3711. RULES FOR HELPING BLIND AND DISABLED INDIVIDUALS ACHIEVE SELF–SUPPORT (506P)

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

RIN: 0960–AG00

3712. LIABILITY OF REPRESENTATIVE PAYEES FOR OVERPAYMENTS TO DECEASED RECIPIENTS (796P)

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

Legal Authority: PL 106–169, sec 201; 42 USC 404(a); 42 USC 405(a); 42 USC 902(a); 42 USC 1383(b); 42 USC 1383(d)

CFR Citation: 20 CFR 404.501; 20 CFR 416.537

Legal Deadline: None

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

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3713. MEDICARE PRESCRIPTION DRUG PREMIUM AND COST–SHARING (1024P)

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

RIN: 0960–AG02

3714. CIVIL MONETARY PENALTIES, ASSESSMENTS, AND RECOMMENDED EXCLUSIONS (2362P)

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

RIN: 0960–AG08

3715. REPRESENTATIVE PAYMENT; ADDITIONAL PROTECTIONS FOR PERSONS WITH REPRESENTATIVE PAYEES (2422P)

Regulatory Plan: This entry is Seq. No. 159 in part II of this issue of the Federal Register.

RIN: 0960–AG09

3716. ISSUANCE OF WORK REPORT RECEIPTS, PAYMENT OF TRIAL WORK PERIOD MONTHS AFTER A FRAUD CONVICTION AND CHANGES TO THE STUDENT EARNED INCOME EXCLUSION (2502P)

Regulatory Plan: This entry is Seq. No. 160 in part II of this issue of the Federal Register.

RIN: 0960–AG10

3717. INCOME RELATED MEDICARE PART B PREMIUM SUBSIDY REDUCTION (2101P)

Regulatory Plan: This entry is Seq. No. 161 in part II of this issue of the Federal Register.

RIN: 0960–AG11

3718. DENIAL OF TITLE II BENEFITS TO PERSONS FLEEING PROSECUTION, CUSTODY, OR CONFINEMENT, AND TO PERSONS VIOLATING PROBATION OR PAROLE (2222P)

Regulatory Plan: This entry is Seq. No. 162 in part II of this issue of the Federal Register.

RIN: 0960–AG12

3719. CHANGES TO SSI INCOME AND RESOURCES PROVISIONS BASED ON SECTIONS 430, 435, AND 436 OF THE SOCIAL SECURITY PROTECTION ACT (SSPA) OF 2004 (2482P)

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

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 902(a)(5); 42 USC 1381a; 42 USC 1382; 42 USC 1382 Note; 42 USC 1382a; 42 USC 1382c; 42 USC 1382(d); 42 USC 1383


Legal Deadline: None

Abstract: We propose to revise our regulations on how we determine an individual’s income and resources under the SSI program based on the Social Security Protection Act (SSPA) of 2004. Provisions of the SSPA make a number of changes in the way we determine income and resources including: how we calculate infrequent and irregular income; what income we exclude from interest and dividend income; how we count cash military compensation; and when we exclude certain things received for tuition or educational fees from income or resources. We are also proposing to apply the exclusions required by the SSPA when determining the countable income and resources of an ineligible spouse or ineligible parent.
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**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 Regulations, 6401 Security Boulevard, Baltimore, MD 21235–6401
  Phone: 410 965–5655
- Richard M. Bresnick, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235
  Phone: 410 965–1758
- Eric Ice, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235–6401
  Phone: 410 966–3233
- William Storey, Social Insurance Specialist, Social Security Administration, Office of Hearings and Appeals, One Skyline Tower, Falls Church, VA 22046
  Phone: 703 605–8276
- Lois A. Berg, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235–6401
  Phone: 410 965–1713
- Richard M. Bresnick, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235
  Phone: 410 965–1758
- Eric Ice, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235–6401
  Phone: 410 966–3233

**Regulatory Plan:** This entry is Seq. No. 163 in part II of this issue of the Federal Register.

**RIN:** 0960–AG13

### 3721. REPRESENTATION OF PARTIES; RECOGNITION, DISQUALIFICATION, AND REINSTATEMENT OF REPRESENTATIVE (2602P)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 405(a); 42 USC 406; 42 USC 902(a)(5); 42 USC 1383(d)(1)

**CFR Citation:** 20 CFR 404.1705; 20 CFR 404.1750; 20 CFR 404.1770; 20 CFR 416.1505; 20 CFR 416.1550; 20 CFR 416.1570; 20 CFR 416.1599

**Legal Deadline:** None

**Abstract:** We propose to amend our regulations to explain how we plan to implement section 206(a)(1) of the Social Security Act (the Act), as amended by section 205 of the Social Security Protection Act of 2004 (Pub. L. 108–203). As amended, section 206(a)(1) of the Act provides that the Commissioner of Social Security, after due notice and opportunity for hearing, may refuse to recognize a representative already recognized, any attorney who has been disbarred or suspended from any court or bar to which he or she was previously admitted to practice or who has been disbarred or suspended from any court or bar to which he or she was previously admitted to practice or who has been disqualified from participating in our appearing before any Federal program or agency; that the Commissioner may also refuse to recognize, and may disqualify, as a non-attorney representative any attorney who has been disbarred or suspended from any court or bar to which he or she was previously admitted to practice; and that a representative who has been disqualified or suspended from appearing before SSA as a result of collecting or receiving a fee in excess of the amount authorized shall be barred from appearing before SSA as a representative until full restitution is made to the claimant and, thereby, may be considered for reinstatement only under such rules as the Commissioner may prescribe. We also propose to make our existing rules regarding the recognition on non-attorneys conform to the proposed new rules that relate to attorneys.

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**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** None

**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

### 3722. REVISED MEDICAL CRITERIA FOR EVALUATING MALIGNANT NEOPLASTIC DISEASES (399F)

**Regulatory Plan:** This entry is Seq. No. 164 in part II of this issue of the Federal Register.

**RIN:** 0960–AD67

### 3723. TECHNICAL CHANGES TO SUPPLEMENTAL SECURITY INCOME (SSI) REGULATIONS (664F)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 20 CFR 416.1236; 20 CFR 416, subpart K, app

**Legal Deadline:** None

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

**Timetable:**

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**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Eric Ice, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235–6401
  Phone: 410 966–3233
3724. EXPEDITED RESTATEMENT OF DISABILITY BENEFITS (TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT) (790F)

Priority: Substantive, Nonsignificant
Legal Authority: 42 USC 423(i); 42 USC 1383(p)
CFR Citation: 20 CFR 404.1592b to 404.1592f; 20 CFR 416.999 to 416.999d
Legal Deadline: None
Abstract: Individuals with disabilities face multiple barriers in attempting to return to work. Section 112 of Public Law 106-170 provides a new statutory work incentive by providing for expedited reinstatement of SSDI and SSI benefits terminated due to work activity, when the former beneficiary requests reinstatement within 60 months of termination because his or her disability prevents work activity. Section 112 also provides for payment of provisional benefits for up to six months until SSA makes a determination on the requester’s entitlement to reinstated benefits.

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: John Nelson, Social Insurance Specialist, Social Security Administration, Office of Program Development and Research, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 966–5114

Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965–0020

RIN: 0960–AE79

3725. REVISED MEDICAL CRITERIA FOR EVALUATING IMPAIRMENTS OF THE DIGESTIVE SYSTEM (800F)

Priority: Economically 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: Listings 5.00 and 105.00 of appendix 1 to the disability regulation at 20 CFR part 404, subpart P 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 are considered severe enough to result in marked and severe functional limitations. Comprehensive revisions to these listings are being made to ensure that the medical evaluation criteria are up-to-date and consistent with the latest advances in medicine. The SSI program incorporates by reference and uses the same medical criteria as the old-age, survivors, and disability insurance program.

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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 21235–6401
Phone: 410 965–0098

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

RIN: 0960–AF32

3726. REVISED MEDICAL CRITERIA FOR EVALUATING IMPAIRMENTS AFFECTING MULTIPLE BODY SYSTEMS (803F)

Priority: Substantive, Nonsignificant
Legal Authority: 42 USC 405; 42 USC 902(a)(5); 42 USC 1383
CFR Citation: 20 CFR 404.1500, app 1
Legal Deadline: None
Abstract: These final rules revise the criteria in the Listing of Impairments that we use to evaluate claims involving impairments affecting multiple body systems. We apply these criteria when you claim benefits based on disability under title II and title XVI of the Social Security Act. The proposed revisions reflect current medical knowledge, treatment, and methods of evaluating impairments affecting multiple body systems.

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: None

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: 410 965–0098

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

RIN: 0960–AF32

3727. 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.

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Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Dorothy Skipwith, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235

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

Phone: 410 965–1769

RIN: 0960–AF62

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

Priority: Substantive, Nonsignificant

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

CFR Citation: 20 CFR 404.416; 20 CFR 404.416

Legal Deadline: None

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

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Regulatory Flexibility Analysis

Required: No

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sherry Pollack, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235–6401

Phone: 410 965–7915

Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235–6401

Phone: 410 965–0020

RIN: 0960–AF78

3730. 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 416.110; 20 CFR 416.2209; 20 CFR 416.2211 to 416.2227

Legal Deadline: None

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

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Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No

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

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

RIN: 0960–AF80

3732. MANDATORY EXCLUSION OF HEALTH CARE PROVIDERS, REPRESENTATIVES, AND REPRESENTATIVE PAYEES FROM PARTICIPATION IN SSA PROGRAMS (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 proposed rule would exclude representatives and health care providers who are convicted of violating certain criminal statutes involving fraud and other matters in the title II or title XVI programs administered by SSA, or who are assessed a civil monetary penalty for making false or misleading statements related to such programs, from participation in those programs. The minimum exclusion period is five years, but exclusions can be permanent.

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Regulatory Flexibility Analysis
Required: Undetermined

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

3733. CONTINUATION OF BENEFIT PAYMENTS TO CERTAIN INDIVIDUALS WHO ARE PARTICIPATING IN A PROGRAM OF VOCATIONAL REHABILITATION SERVICES, EMPLOYMENT SERVICES, OR OTHER SUPPORT SERVICES (925F)

Priority: Substantive, Nonsignificant

Legal Authority: PL 107–117; PL 108–203

CFR Citation: 20 CFR 404.1301

Legal Deadline: None

Abstract: We plan to revise our regulations to reflect a provision in Public Laws 107-117 and 108-203 that eliminates deemed military service wage credits for members of the uniformed services for all years after calendar year 2001.

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Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No

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

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

RIN: 0960–AF90

3734. ELIMINATION OF DEEMED MILITARY WAGES (968F)

Priority: Substantive, Nonsignificant

Legal Authority: PL 107–117; PL 108–203

CFR Citation: 20 CFR 404.1301

Legal Deadline: None

Abstract: We plan to revise our regulations to reflect a provision in Public Laws 107-117 and 108-203 that eliminates deemed military service wage credits for members of the uniformed services for all years after calendar year 2001.
3735. ADMINISTRATIVE REVIEW PROCESS; INCORPORATION BY REFERENCE OF ORAL FINDINGS OF FACT AND RATIONALE IN WHOLLY FAVORABLE WRITTEN DECISIONS (964I)  
Regulatory Plan: This entry is Seq. No. 167 in part II of this issue of the Federal Register.  
RIN: 0960–AF92

3736. EXPANDED AUTHORITY FOR CROSS–PROGRAM RECOVERY OF BENEFIT OVERPAYMENTS (2221F)  
Regulatory Plan: This entry is Seq. No. 168 in part II of this issue of the Federal Register.  
RIN: 0960–AG06

3737. WORK ACTIVITY AND INCOME OF MEMBERS OF ADVISORY COMMITTEES ESTABLISHED UNDER THE FEDERAL ADVISORY COMMITTEE ACT (FACA) (2382I)  
Priority: Substantive, Nonsignificant  
Legal Authority: 42 USC 423

Social Security Administration (SSA)  

3738. DEDICATED ACCOUNTS AND INSTALLMENT PAYMENTS FOR CERTAIN PAST DUE SSI BENEFITS (622F)  
Priority: Substantive, Nonsignificant  
Legal Authority: 42 USC 902(a)(5); 42 USC 1361; 42 USC 1381a; 42 USC 1382(c); 42 USC 1382(e); 42 USC 1383(a) to 1383(d); 42 USC 1383(g)  
CFR Citation: 20 CFR 416.545; 20 CFR 416.546; 20 CFR 416.640; 20 CFR 416.1210; 20 CFR 416.1247  
Legal Deadline: Final, Statutory, November 22, 1996, Interim Final Rules were published on December 20, 1996. Interim Final Rules were published on December 20, 1996.  
Abstract: These regulations reflect amendments to the Social Security Act made by sections 213 and 221 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Section 213 requires the establishment of accounts in financial institutions for the payment of past due SSI benefits after reimbursement to a State for Interim Assistance. Reimbursement exceeding 6 months’ benefits to representative payees on behalf of children under age 18. These accounts will be dedicated for certain purposes by restrictions on the use of such past due benefits. Section 221 requires past due SSI benefits after reimbursement to a State for Interim Assistance Reimbursement that equals or exceeds 12 months’ benefits to be paid in installments, with certain exceptions.  
Timetable:  
Action | Date | FR Cite  
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Interim Final Rule | 12/20/96 | 61 FR 67203  
Interim Final Rule | 02/18/97 |  
Final Action | 12/00/05 |  
Regulatory Flexibility Analysis Required: No  
Government Levels Affected: Federal  
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

3739. REVISED MEDICAL CRITERIA FOR EVALUATING GENITOURINARY DISORDERS (802F)  
Priority: Substantive, Nonsignificant  
Legal Authority: 42 USC 405; 42 USC 902(a)(5); 42 USC 1383  
CFR Citation: 20 CFR 404.1500, app 1  
Legal Deadline: None  
Abstract: We propose to revise the criteria in the Listing of Impairments (the Listings) that we use to evaluate genitourinary impairments. We apply these criteria at step three of our sequential evaluation processes for adults and children who claim Social Security or Supplemental Security Income benefits based on disability under title II and title XVI of the Social Security Act. The revisions reflect advances in medical knowledge,
treatment, and methods of evaluating genitourinary impairments.

**Timetable:**

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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Paul J. Scott, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235–6401
Phone: 410 966–1192
RIN: 0960–AF30

### 3740. REVISED MEDICAL CRITERIA FOR EVALUATING SPECIAL SENSES AND SPEECH DISORDERS (805P)

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** We propose to revise the criteria in the Listing of Impairments (the listings) that we use to evaluate claims involving special senses and speech disorders. We apply these criteria when you claim benefits based on disability under title II and title XVI of the Social Security Act. The proposed revisions reflect advances in medical knowledge, treatment, and methods of evaluating special senses and speech disorders.

**Timetable:**

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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Carolyn Kiefer, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235–6401
Phone: 410 965–9104
RIN: 0960–AF57

### 3743. REVISED MEDICAL CRITERIA FOR EVALUATING RESPIRATORY SYSTEM DISORDERS (859P)

**Priority:** Other Significant

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

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

**Legal Deadline:** None

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

**Timetable:**

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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235–6401
Phone: 410 965–0020
RIN: 0960–AF34

### 3741. REVISED MEDICAL CRITERIA FOR EVALUATING NEUROLOGICAL DISORDERS (806P)

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Fran O. Thomas, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235–6401
Phone: 410 965–1769
RIN: 0960–AF35

### 3742. DETERMINING DISABILITY FOR AN INDIVIDUAL WITH DRUG ADDICTION OR ALCOHOLISM (851P)

**Priority:** Other Significant

**Legal Authority:** Not Yet Determined

**CFR Citation:** None

**Legal Deadline:** None

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

**Timetable:**

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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965–9139
RIN: 0960–AF57
We are planning to update and revise the rules that we use to evaluate mental disorders of adults and children who apply for, or receive, disability benefits under title II and Supplemental Security Income (SSI) payments based on disability under title XVI of the Social Security Act (the Act). The rules we plan on revising are in sections 404.1520a and 416.920a of our regulations, and sections 12.00 and 112.00 in the Listing of Impairments in appendix 1 to part 404 of our regulations (the listings).

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

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**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

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

Phone: 410 965–1180

Email: sean.balser@ssa.gov

**RIN:** 0960–AF69

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3746. REVISED MEDICAL CRITERIA FOR EVALUATING HEMATOLOGICAL DISORDERS (974P)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 405; 42 USC 902(a)(5); 42 USC 1338

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

**Legal Deadline:** None

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

**Timetable:**

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Social Security Administration (SSA)

### 3749. FILING CLAIMS UNDER THE FEDERAL TORT CLAIMS ACT AND THE MILITARY PERSONNEL AND CIVILIAN EMPLOYEES CLAIMS ACT (785F)

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 20 CFR 429.101 to 429.110; 20 CFR 429.201 to 429.211; 28 CFR 14

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<tr>
<td>Agency Contact:</td>
<td>Doug Cohen</td>
<td>Phone: 410 966–6583</td>
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<td>Robert J. Augustine</td>
<td>Phone: 410 965–0020</td>
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### 3750. REPRESENTATIVE PAYMENT UNDER TITLES II, VIII, AND XVI OF THE SOCIAL SECURITY ACT (949F)

**Priority:** Other Significant


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<tr>
<td>Agency Contact:</td>
<td>Betsy Byrd</td>
<td>Phone: 410 965–7981</td>
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<td>Robert J. Augustine</td>
<td>Phone: 410 965–0020</td>
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### 3751. EVIDENCE REQUIREMENT FOR ASSIGNMENT OF SOCIAL SECURITY NUMBERS (SSNs); ASSIGNMENT OF SSNS TO FOREIGN STUDENTS (960F)

**Priority:** Other Significant

**CFR Citation:** 20 CFR 422.105; 20 CFR 422.107

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<tr>
<td>Agency Contact:</td>
<td>Tessa Albright</td>
<td>Social Security Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235–6401</td>
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**Regulatory Flexibility Analysis**
Required: No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Agency Contact:** Robert J. Augustine
Phone: 410 965–0020

**RIN:** 0960–AF87

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3752. COVERAGE OF RESIDENTS IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS (CNMI); COVERAGE OF MINISTERS, MEMBERS OF THE CLERGY, AND CHRISTIAN SCIENCE PRACTITIONERS (792F)

**Priority:** Substantive, Nonsignificant


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**Regulatory Flexibility Analysis**
Required: No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Robert J. Augustine
Phone: 410 965–0020

**RIN:** 0960–AG01

[FR Doc. 04–23636 Filed 12–10–04; 8:45 am]

BILLING CODE 4191–02–S