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Wednesday  
October 29, 1997

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**Part XLIII**

**Social Security  
Administration**

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Semiannual Regulatory Agenda

**SOCIAL SECURITY ADMINISTRATION (SSA)**

**SOCIAL SECURITY ADMINISTRATION**

**Office of the Commissioner**

**20 CFR Ch. III**

**Semiannual Unified Regulatory Agenda**

**AGENCY:** Social Security Administration.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** Executive Order 12866 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 then 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 on April 25, 1997.

**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, Acting Regulations Officer, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235; telephone (410) 965-1767.

**SUPPLEMENTARY INFORMATION:** For this edition of the Social Security Administration'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 Social Security Administration (SSA) has responsibility for the old-age, survivors, and disability insurance

programs under title II of the Social Security Act (the Act) and the supplemental security income program under title XVI of the Act. We are not a regulatory agency. For the most part, SSA's regulations 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 beneficiary's 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 improvements to provide better service to SSA customers; and 3) improvements or clarifications to fulfill commitments made as part of the President's Regulatory Reinvention Initiative.

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, the 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.

Providing world-class service to our customers remains a principal objective of the Social Security Administration. Our regulatory program supports this overarching Agency goal. One of the areas in which we are working hard to deliver high quality service is our disability determination process. Several of our agenda items support improvements to disability program administration. Also, several of the regulatory items support SSA's

Disability Redesign Plan. The Disability Redesign aims to streamline our disability determination process and provide better service to applicants for disability benefits.

One of our agenda items—Permit Department of State and the Immigration and Naturalization Service to Collect Information Needed to Assign Social Security Numbers to Aliens—supports the President's Reinvigorating Government (REGO II) initiative to create a Federal Government that works better and costs less.

Another of our agenda items provides for redeterminations of entitlement when there is reason to believe fraud was involved in the application for benefits. This is the most significant regulatory action we will take in the upcoming 12 months, in support of the Agency's goal of "zero tolerance for fraud."

Also in this agenda, and being given priority attention, are regulations to revise our rules on Plans to Achieve Self-Support and regulations that will make changes to the Representative Payment provisions of the title II and title XVI regulations.

Consistent with the President's Regulatory Reinvention Initiative, we are working diligently to improve our program benefit regulations and to develop partnerships with large segments of the community of stakeholders interested in Social Security programs. Our aim is to clarify or improve over 50 percent of the Code of Federal Regulations pages for which we are responsible. The remainder of our Unified Agenda items are such improvements and clarifications.

The October 1997 regulatory agenda for the Social Security Administration follows.

**Dated:** August 15, 1997.  
**Martin J. Sussman,**  
*Acting SSA Regulations Officer.*

**Proposed Rule Stage**

Sequence Number	Title	Regulation Identifier Number
4011	Old-Age, Survivors, and Disability Insurance; Overpayment Debt Collection Procedures (523F) .....	0960-AE09
4012	Misuse of Symbols, Emblems, or Names in Reference to the Social Security Administration (530P) .....	0960-AE15
4013	Reduction of Disability Benefits—Workers' Compensation/Public Disability Benefits (567F) .....	0960-AE35
4014	Permit Department of State and the Immigration and Naturalization Service To Collect Information Needed To Assign Social Security Numbers to Aliens (569P) ( <b>Reg Plan Seq. No. 153</b> ) .....	0960-AE36

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Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
4015	Assessment of Residual Functional Capacity (599P) <b>(Reg Plan Seq. No. 154)</b> .....	0960-AE42
4016	Supplemental Standards for Ethical Conduct for Employees of the Social Security Administration (601P) .....	0960-AE48
4017	Identification and Referral of Cases for Quality Review Under the Appeals Council's Authority To Review Cases on Its Own Motion (623F) <b>(Reg Plan Seq. No. 155)</b> .....	0960-AE53
4018	Implementing Modifications to Prehearing Procedures and Decisions by Adjudication Officers (616P) <b>(Reg Plan Seq. No. 156)</b> .....	0960-AE55
4019	Weight of Disability Determination Services' Medical and Psychological Consultants' Opinions (624F) <b>(Reg Plan Seq. No. 157)</b> .....	0960-AE56
4020	Listening-In to or Recording Telephone Conversations (626P) .....	0960-AE66
4021	Effective Date of Application for Benefits (642P) .....	0960-AE71
4022	Determining Disability and Blindness; Providing For Use of a Single Decisionmaker To Make Determinations of Disability Under Titles II and XVI of the Social Security Act <b>(Reg Plan Seq. No. 158)</b> .....	0960-AE73
4023	Application of Circuit Court Law—Strengthening the Acquiescence Process and Furthering National Uniformity in Program Administration <b>(Reg Plan Seq. No. 159)</b> .....	0960-AE74
4024	Reflect a Requirement of the Social Security Act that the Commissioner Disregard Evidence in Certain Situations Involving Fraud or Similar Fault Under Titles II or XVI of the Act <b>(Reg Plan Seq. No. 160)</b> .....	0960-AE75
4025	Denial of SSI Benefits for Fugitive Felons and Probation and Parole Violators (660P) .....	0960-AE77
4026	Nondiscrimination on the Basis of Disability (661P) .....	0960-AE78

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

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4027	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Musculoskeletal System (143F) .....	0960-AB01
4028	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs, Determining Disability and Blindness; Substantial Gainful Activity Guides (147F) .....	0960-AB73
4029	Standards of Conduct for Claimant Representatives (431F) .....	0960-AD73
4030	Benefits for Spouses, Divorced Spouses, and Children (455F) .....	0960-AD83
4031	Definition of United States Resident; Religious Record of Birth or Baptism as Evidence of Citizenship; Plan To Help Blind and Disabled Individuals Achieve Self-Support (515F) .....	0960-AE05
4032	Requirements for Awards and Subawards to Institutions of Higher Education; Certain Grants and Agreements With States, Local, and Indian Tribal Governments (547F) .....	0960-AE25
4033	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants) (554F) .....	0960-AE27
4034	Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments and Indian Tribal Governments (555F) .....	0960-AE28
4035	Restrictions on Lobbying in Connection With the Award of Grants, Contracts, and Cooperative Agreements (556F) .....	0960-AE29
4036	Application of State Law in Determining Child Relationship (557F) .....	0960-AE30
4037	Supplemental Security Income; Determining Disability for a Child Under Age 18 (625F) <b>(Reg Plan Seq. No. 161)</b> .....	0960-AE57
4038	Electronic Freedom of Information Act Amendments (640F) .....	0960-AE68

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

Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
4039	Old-Age, Survivors, and Disability Insurance Program; Medical Criteria for Evaluating Mental Disorders for Adults (222F) .....	0960-AC74
4040	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Representative Payment Under Title II & XVI of the Social Security Act (295F) .....	0960-AD22
4041	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Fees for Representation of Claimants (296P) .....	0960-AD23
4042	Procedure To Review Complaints of Alleged Misconduct on the Part of Administrative Law Judges (341P) .....	0960-AD54

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Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
4043	Election of Benefits Based on Age by Disabled Widow, Widower, and Surviving Divorced Spouse Beneficiaries (343P) .....	0960-AD56
4044	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Hemiac and Lymphatic System, and Malignant Neoplastic Diseases (399P) .....	0960-AD67
4045	Revised Medical Criteria for Determination of Disability, Endocrine System and Obesity and Related Criteria (436P) .....	0960-AD78
4046	Valuation of Certain In-Kind Support and Maintenance (ISM) Where There Is a Cost-of-Living Adjustment in SSI Benefits (454F) .....	0960-AD82
4047	Federal Old-Age, Survivors, and Disability Insurance and Supplemental Security Income, Acceptable Medical Sources (469P) .....	0960-AD91
4048	Old-Age, Survivors, and Disability Insurance Program; Contributions for Support (475P) .....	0960-AD92
4049	Computation of SSI Benefits for the First Three Months of Payment (476P) .....	0960-AD93
4050	Definition of "Largest Benefit Amount" for Simultaneous Entitlement to Child's Benefits (481P) .....	0960-AD95
4051	Federal OASDI and SSI for the Aged, Blind, and Disabled; Benefit Reforms for Individuals Disabled Based on Drug Addiction or Alcoholism (496F) .....	0960-AD96
4052	Federal OASDI and SSI for the Aged, Blind, and Disabled; Representative Payment Provisions for Individuals Disabled Based on Drug Addiction or Alcoholism (507P) .....	0960-AD98
4053	SSI Eligibility for Students Temporarily Abroad (505P) .....	0960-AE01
4054	Repeal of Facility of Payment Provision (508F) .....	0960-AE02
4055	Guaranteed Family Maximums (510F) .....	0960-AE03
4056	Supplemental Security Income for the Aged, Blind, and Disabled; Income and Resources, Deeming of Parental Income and Resources When Children Are Hospitalized (522P) .....	0960-AE08
4057	Administrative Review Process; Administrative Res Judicata and Related Rules (526P) .....	0960-AE11
4058	OASDI; Nonpayment of Benefits to Incarcerated Individuals and Individuals Confined in Criminal Cases, Pursuant to Conviction or by Court Order Based on Findings of Insanity (531P) .....	0960-AE16
4059	Supplemental Security Income; Plans for Achieving Self-Support (506P) .....	0960-AE17
4060	Old-Age, Survivors, and Disability Insurance Benefits; Replacing Social Security Number Cards (543F) .....	0960-AE18
4061	Elimination of Rounding Distortion in the Calculation of the Contribution and Benefit Base and Earnings Test Exempt Amounts (512F) .....	0960-AE40
4062	Determining Disability and Blindness; Eliminating the Lower Substantial Gainful Activity Earnings Guideline Amounts (603P) .....	0960-AE49
4063	Deeming of Income From an Ineligible Spouse to an Eligible Individual and an Eligible Child (606P) .....	0960-AE50
4064	Payments for Vocational Rehabilitation Services (615P) .....	0960-AE54
4065	Dedicated Accounts and Installment Payments for Certain Past Due SSI Benefits (622F) .....	0960-AE59
4066	Effectuation of Title VI of the Civil Rights Act of 1964, the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, in Programs Receiving Financial Assistance by SSA (617F) .....	0960-AE63
4067	Availability of Information and Records to the Public—Charging Fees for Providing Personal Information (618P) .....	0960-AE64
4068	Revised Medical Criteria for Determination of Disability, Deletion of Obesity Listing (620P) .....	0960-AE65
4069	Coverage of Employees of State and Local Governments; Office of Management and Budget (OMB) Control Number (280F) .....	0960-AE69
4070	Adding New SSI Income and Resource Exclusion (VA Payments to Certain Vietnam Veterans' Children with Spina Bifida) to Lists of Exclusions Provided by Other Federal Statutes (664F) .....	0960-AE79

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4071	Reliable Information Which Is Currently Available for Determining Benefit Amounts in the Supplemental Security Income Program (382F) .....	0960-AD65
4072	Reliable Information Which Is Currently Available for Determining Benefit Amounts in the Supplemental Security Income Program (NEWMAN) (434P) .....	0960-AD77
4073	Deeming in the Supplemental Security Income (SSI) Program When an Ineligible Spouse or Parent Is Absent From Household Due Solely to Active Military Service (462F) .....	0960-AD86
4074	Technical Changes to Title XVI (466F) .....	0960-AD89
4075	Amended 20 CFR, Parts 400-499; Employees' Benefits (595F) .....	0960-AE45
4076	Administrative (613F) .....	0960-AE51
4077	Indemnification of SSA Employees (614F) .....	0960-AE52

**SSA**

Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
4078	Testing Elimination of the Fourth Step in the Disability Claim Process (Request for Appeals Council Review) (621F) .....	0960-AE58
4079	Reduction in SSI Payable to Institutionalized Children Whose Medical Costs Are Covered by Private Insurance (630F) .....	0960-AE61
4080	SSI Overpayment Recovery by Offset of Federal Income Tax Refund (632F) .....	0960-AE67
4081	Federal Old-Age, Survivors and Disability Insurance; Determining Disability and Blindness; Extension of Expiration Dates for Several Body System Listings .....	0960-AE70
4082	OASDI; Administrative Review Process, Final Rules To Extend the Effective Date of the Authority for Prehearing Proceedings and Decisions by Attorney Advisory (650F) .....	0960-AE72

**SOCIAL SECURITY ADMINISTRATION (SSA)**

**Proposed Rule Stage**

**4011. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; OVERPAYMENT DEBT COLLECTION PROCEDURES (523F)**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** PL 103-387

**CFR Citation:** 20 CFR 404.520 to 523; 20 CFR 404.525 to 527; 20 CFR 404.903; 20 CFR 422.301 to 317 (New)

**Legal Deadline:** None

**Abstract:** This regulation would modify the regulation dealing with recovery of title II benefit overpayments to reflect statutory authority for SSA to selectively refer information to consumer reporting agencies and to recover title II overpayments through administrative offset by the Department of the Treasury against other Federal payments to which the overpaid individual may be entitled. The procedures may be applied only if the overpayment was paid to a person after he or she attained age 18, the debt is not recoverable by other means provided by the Social Security Act, and the debtor is no longer a beneficiary. We also propose to establish a new subpart D in 20 CFR 422 which will explain our rules on debt collection procedures for both administrative debts and for title II program overpayments determined to be otherwise unrecoverable under section 204 of the Social Security Act.

**Timetable:**

Action	Date	FR Cite
NPRM	08/07/97	62 FR 42439
NPRM Comment Period End	10/06/97	
Final Action	08/00/98	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Robert J. Augustine, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 966-5121

**RIN:** 0960-AE09

**4012. MISUSE OF SYMBOLS, EMBLEMS, OR NAMES IN REFERENCE TO THE SOCIAL SECURITY ADMINISTRATION (530P)**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** PL 103-296, sec 312

**CFR Citation:** 20 CFR 422.527

**Legal Deadline:** None

**Abstract:** This regulation will implement section 312 of P.L. 103-296 which expands prohibitions on the use of certain letters and symbols and also the reproduction for a fee of forms and publications of SSA and HHS.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/97	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Suzanne DiMarino, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-1769

**RIN:** 0960-AE15

**4013. REDUCTION OF DISABILITY BENEFITS—WORKERS' COMPENSATION/PUBLIC DISABILITY BENEFITS (567F)**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 402 to 405; 42 USC 424a; 42 USC 902(a)(5)

**CFR Citation:** 20 CFR 404.408

**Legal Deadline:** None

**Abstract:** We propose to revise our rules on reduction of Social Security benefits based on disability on account of receipt of workers' compensation and/or public disability benefits and payments provided under Federal (other than Social Security), State, or local laws or plans to clarify our existing policies. We also propose to adopt a uniform method for proration of workers' compensation and public

SSA

Proposed Rule Stage

disability benefit/payment settlements. In addition, we propose to incorporate into our rules certain policy interpretations established previously in relevant Social Security Rulings (SSRs). Finally, we propose to update provisions that have not been changed since 1984.

**Timetable:**

Action	Date	FR Cite
NPRM	09/04/97	62 FR 46682
NPRM Comment Period End	11/03/97	
Final Action	09/00/98	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Daniel T. Bridgewater, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-3298

**RIN:** 0960-AE35

#### 4014. PERMIT DEPARTMENT OF STATE AND THE IMMIGRATION AND NATURALIZATION SERVICE TO COLLECT INFORMATION NEEDED TO ASSIGN SOCIAL SECURITY NUMBERS TO ALIENS (569P)

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

**RIN:** 0960-AE36

#### 4015. ASSESSMENT OF RESIDUAL FUNCTIONAL CAPACITY (599P)

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

**RIN:** 0960-AE42

#### 4016. 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)**CFR Citation:** 5 CFR ch LXXXI (New)**Legal Deadline:** None

**Abstract:** The Social Security Administration (SSA), with the concurrence of the Office of Government Ethics (OGE), proposes to issue regulations for officers and employees of SSA that supplement the

OGE Standards of Ethical Conduct for Employees of the Executive Branch, which became effective February 3, 1993. The proposed rule specifies procedural and substantive requirements that are necessary to address ethical issues unique to SSA. There were no alternatives considered for these proposed rules. The proposed changes addressed have already been implemented. Any costs or savings will be insignificant.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/97	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** Henry D. Lerner, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-1762

**RIN:** 0960-AE48

#### 4017. IDENTIFICATION AND REFERRAL OF CASES FOR QUALITY REVIEW UNDER THE APPEALS COUNCIL'S AUTHORITY TO REVIEW CASES ON ITS OWN MOTION (623F)

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

**RIN:** 0960-AE53

#### 4018. IMPLEMENTING MODIFICATIONS TO PREHEARING PROCEDURES AND DECISIONS BY ADJUDICATION OFFICERS (616P)

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

**RIN:** 0960-AE55

#### 4019. WEIGHT OF DISABILITY DETERMINATION SERVICES' MEDICAL AND PSYCHOLOGICAL CONSULTANTS' OPINIONS (624F)

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

**RIN:** 0960-AE56

#### 4020. LISTENING-IN TO OR RECORDING TELEPHONE CONVERSATIONS (626P)

**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 405; 42 USC 902(a)(5)**CFR Citation:** 20 CFR 422**Legal Deadline:** None

**Abstract:** We are proposing to add a new subpart H to part 422 of our rules which will contain regulations relating to the use of SSA's telephone lines. In the new subpart H, we propose to describe the limited circumstances under which SSA employees may listen-in to or record telephone conversations and the procedures we will follow in connection with this activity.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/98	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Lois A. Berg, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-1713

**RIN:** 0960-AE66

#### 4021. • EFFECTIVE DATE OF APPLICATION FOR BENEFITS (642P)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 902(a)(5); 42 USC 1310(b); 42 USC 1381; 42 USC 1381a; 42 USC 1382; 42 USC 1382c; 42 USC 1382d(c); 42 USC 1382h(a); 42 USC 1383; 42 USC 1383c; PL 93-66; PL 94-241; PL 99-643

**CFR Citation:** 20 CFR 416.211; 20 CFR 416.305; 20 CFR 416.315; 20 CFR 416.330; 20 CFR 416.335; 20 CFR 416.420; 20 CFR 416.421; 20 CFR 416.501; 20 CFR 416.502; 20 CFR 416.520; 20 CFR 416.1801; 20 CFR 416.200; 20 CFR 416.203; 20 CFR 416.1335; 20 CFR 416.1902

**Legal Deadline:** None

**Abstract:** These proposed regulations would reflect and implement section 204 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, which was effective August 22, 1996, and which changed the date a Supplemental Security Income (SSI)

SSA

Proposed Rule Stage

application is effective for payment, when a cash advance can be made and how it can be repaid, and made related changes concerning the SSI definition of "eligible spouse."

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/97	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Lois A. Berg, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-1713

**RIN:** 0960-AE71

**4022. • DETERMINING DISABILITY AND BLINDNESS; PROVIDING FOR USE OF A SINGLE DECISIONMAKER TO MAKE DETERMINATIONS OF DISABILITY UNDER TITLES II AND XVI OF THE SOCIAL SECURITY ACT**

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

**RIN:** 0960-AE73

**4023. • APPLICATION OF CIRCUIT COURT LAW—STRENGTHENING THE ACQUIESCENCE PROCESS AND FURTHERING NATIONAL UNIFORMITY IN PROGRAM ADMINISTRATION**

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

**RIN:** 0960-AE74

**4024. • REFLECT A REQUIREMENT OF THE SOCIAL SECURITY ACT THAT THE COMMISSIONER DISREGARD EVIDENCE IN CERTAIN SITUATIONS INVOLVING FRAUD OR SIMILAR FAULT UNDER TITLES II OR XVI OF THE ACT**

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

**RIN:** 0960-AE75

**4025. • DENIAL OF SSI BENEFITS FOR FUGITIVE FELONS AND PROBATION AND PAROLE VIOLATORS (660P)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 902(a)(5); 42 USC 1382; 42 USC 1383

**CFR Citation:** 20 CFR 416.202; 20 CFR 416.708; 20 CFR 416.1331

**Legal Deadline:** None

**Abstract:** These proposed regulations, carry out section 202(a) of P.L. 104-193 which prohibits payment of SSI benefits to individuals who are fleeing to avoid prosecution for a crime which is a felony; or fleeing to avoid custody or confinement after conviction for a crime which is a felony; or violating a condition of probation or parole imposed under Federal or State law.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/97	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Harry J. Short, Legal Assistant, Social Security Administration, Division of Regulations

and Rulings, 6401 Security Boulevard, Baltimore, MD 212334  
Phone: 410 965-6243

**RIN:** 0960-AE77

**4026. • NONDISCRIMINATION ON THE BASIS OF DISABILITY (661P)**

**Priority:** Info./Admin./Other

**Legal Authority:** 5 USC 301; 42 USC 902(a)(5); 42 USC 1302; PL 103-296

**CFR Citation:** 20 CFR 431.100; 20 CFR 431.105; 20 CFR 431.110; 20 CFR 431.115; 20 CFR 431.120; 20 CFR 431.125; 20 CFR 431.200; 20 CFR 431.205; 20 CFR 431.210; 20 CFR 431.215; 20 CFR 431.220; 20 CFR 431.225; 20 CFR 431.230; 20 CFR 431.235; 20 CFR 431.240; ...

**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	10/00/97	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Harry J. Short, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-6243

**RIN:** 0960-AE78

SOCIAL SECURITY ADMINISTRATION (SSA)

Final Rule Stage

**4027. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; MUSCULOSKELETAL SYSTEM (143F)**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 902(a)(5); 42 USC 405; 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 the disability regulations at 20 CFR 404.1501 through 404.1599 describe those musculoskeletal impairments which are considered severe enough to prevent a person from doing any gainful activity or age-appropriate activities. Comprehensive

revisions to these sections 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.

**Timetable:**

Action	Date	FR Cite
NPRM	12/21/93	58 FR 67574

SSA

Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	02/22/94	
Final Action	03/00/98	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Richard M. Bresnick, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-1758

**RIN:** 0960-AB01

**4028. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS, DETERMINING DISABILITY AND BLINDNESS; SUBSTANTIAL GAINFUL ACTIVITY GUIDES (147F)**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** PL 98-460, sec 10; PL 99-643; PL 100-203; PL 101-508; 42 USC 902(a)(5)

**CFR Citation:** 20 CFR 404; 20 CFR 416

**Legal Deadline:** None

**Abstract:** These final regulations will clarify how the Social Security Administration evaluates a person's work activity to determine whether work is substantial gainful activity and whether an individual is entitled to a trial work period. These regulations also reflect statutory changes with respect to the trial work period and the re-entitlement period.

**Timetable:**

Action	Date	FR Cite
NPRM	03/06/95	60 FR 12166
NPRM Comment Period End	05/15/95	
Final Action	03/00/98	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Richard M. Bresnick, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235

Phone: 410 965-1758

**RIN:** 0960-AB73

**4029. STANDARDS OF CONDUCT FOR CLAIMANT REPRESENTATIVES (431F)**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 405(a); 42 USC 406; 42 USC 902(a)(5); 42 USC 1383(d)(1); 42 USC 1383(d)(2)

**CFR Citation:** 20 CFR 404.1700ff; 20 CFR 416.1500ff

**Legal Deadline:** None

**Abstract:** We are amending our regulations to establish standards of conduct and responsibility for persons serving as representatives of claimants seeking a right or benefit under titles II or XVI of the Social Security Act. These regulations are part of SSA's Disability Redesign.

**Timetable:**

Action	Date	FR Cite
NPRM	01/03/97	62 FR 352
NPRM Comment Period End	03/04/97	
Final Action	03/00/98	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Richard M. Bresnick, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-1758

**RIN:** 0960-AD73

**4030. BENEFITS FOR SPOUSES, DIVORCED SPOUSES, AND CHILDREN (455F)**

**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 404.332; 20 CFR 404.341; 20 CFR 404.357; 20 CFR 404.361; 20 CFR 404.366

**Legal Deadline:** None

**Abstract:** These final regulations make several clarifying technical changes to

correct language incorporated into the regulations when they were recodified on June 15, 1979, which could potentially result in the regulations being interpreted incorrectly. They also make a technical change to one section of the regulations to conform to a change in the statute, and to another section to reflect a longstanding SSA policy.

**Timetable:**

Action	Date	FR Cite
Final Action	02/00/98	

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Agency Contact:** Lois Berg, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-1713

**RIN:** 0960-AD83

**4031. DEFINITION OF UNITED STATES RESIDENT; RELIGIOUS RECORD OF BIRTH OR BAPTISM AS EVIDENCE OF CITIZENSHIP; PLAN TO HELP BLIND AND DISABLED INDIVIDUALS ACHIEVE SELF-SUPPORT (515F)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 902(a)(5); 42 USC 1381a; 42 USC 1382; 42 USC 1382a; 42 USC 1382b; 42 USC 1382 note; 42 USC 1382c(a)(1)(B); 42 USC 1382c(f); 42 USC 1382(e); 42 USC 1382j; 42 USC 1383; 8 USC 1254a; 48 USC 1681 note

**CFR Citation:** 20 CFR 416.1180; 20 CFR 416.1603; 20 CFR 416.1610

**Legal Deadline:** None

**Abstract:** These final regulations clarify SSA's policies on the definition of a U.S. resident. They also clarify the requirements for a religious record of birth or baptism in the United States to be acceptable evidence to establish status as a U.S. citizen or national. We are also correcting a typographical error in the wording of one section of the regulation concerning income that is used or set aside to be used under a plan to become self-supporting.

**Timetable:**

Action	Date	FR Cite
NPRM	04/22/96	61 FR 17609
NPRM Comment Period End	06/21/96	
Final Action	12/00/97	

**SSA**

**Final Rule Stage**

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Lois Berg, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-1713

**RIN:** 0960-AE05

**4032. REQUIREMENTS FOR AWARDS AND SUBAWARDS TO INSTITUTIONS OF HIGHER EDUCATION; CERTAIN GRANTS AND AGREEMENTS WITH STATES, LOCAL, AND INDIAN TRIBAL GOVERNMENTS (547F)**

**Priority:** Info./Admin./Other

**Legal Authority:** 5 USC 301; 31 USC 7505; 41 USC 403(11)

**CFR Citation:** 20 CFR 435.000

**Legal Deadline:** None

**Abstract:** This final regulation migrates the HHS grants regulation at 45 CFR part 74 into a new SSA regulation at 20 CFR 435 now that SSA is an independent agency.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/97	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Harry J. Short, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-6243

**RIN:** 0960-AE25

**4033. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS) (554F)**

**Priority:** Info./Admin./Other

**Legal Authority:** 5 USC 301; 41 USC 403(11); 41 USC 701 et seq

**CFR Citation:** 20 CFR 436.000

**Legal Deadline:** None

**Abstract:** This final regulation migrates the HHS grants regulation at 45 CFR part 76 into a new SSA regulation at 20 CFR part 436 now that SSA is an independent agency.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/97	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Harry J. Short, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-6243

**RIN:** 0960-AE27

**4034. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS AND INDIAN TRIBAL GOVERNMENTS (555F)**

**Priority:** Info./Admin./Other

**Legal Authority:** 5 USC 301; 41 USC 403(ii)

**CFR Citation:** 20 CFR 437.000

**Legal Deadline:** None

**Abstract:** This final regulation migrates the HHS grants regulation at 45 CFR part 92 into a new SSA regulation at 20 CFR part 437 now that SSA is an independent agency.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/97	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Harry J. Short, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-6243

**RIN:** 0960-AE28

**4035. RESTRICTIONS ON LOBBYING IN CONNECTION WITH THE AWARD OF GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS (556F)**

**Priority:** Info./Admin./Other

**Legal Authority:** 5 USC 301; 31 USC 1352

**CFR Citation:** 20 CFR 438.000

**Legal Deadline:** None

**Abstract:** This final regulation migrates the HHS grants regulation at 45 CFR part 93 into a new SSA regulation at

20 CFR part 438 now that SSA is an independent agency.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/97	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Harry J. Short, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-6243

**RIN:** 0960-AE29

**4036. APPLICATION OF STATE LAW IN DETERMINING CHILD RELATIONSHIP (557F)**

**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 428(a) to 428(e); 42 USC 902(a)(5); 42 USC 425

**CFR Citation:** 20 CFR 404.354; 20 CFR 404.355; 20 CFR 404.365

**Legal Deadline:** None

**Abstract:** These final regulations revise our rules on determining whether a natural child has inheritance rights under appropriate State law and therefore may be entitled to Social Security benefits as the child of an insured worker. Specifically, they revise our rules to explain which version of State law we will apply, depending on whether the insured is living or deceased, how we will apply State law requirements on time limits for determining inheritance rights, and how we will apply State law requirements for a court determination of paternity. They also clarify our current rule on determining an applicant's status as a legally adopted child of an insured individual.

**Timetable:**

Action	Date	FR Cite
NPRM	01/30/97	62 FR 4494
NPRM Comment Period End	03/31/97	
Final Action	01/00/98	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Lois A. Berg, Legal Assistant, Social Security Administration, Division of Regulations

SSA

Final Rule Stage

and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-1713

RIN: 0960-AE30

**4037. SUPPLEMENTAL SECURITY INCOME; DETERMINING DISABILITY FOR A CHILD UNDER AGE 18 (625F)**

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

RIN: 0960-AE57

**4038. ELECTRONIC FREEDOM OF INFORMATION ACT AMENDMENTS (640F)**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 20 CFR 402.30; 20 CFR 402.35; 20 CFR 402.40; 20 CFR 402.45; 20 CFR 402.100; 20 CFR 402.130; 20 CFR 402.140; 20 CFR 402.145; 20 CFR 402.150; 20 CFR 402.160

**Legal Deadline:** None

**Abstract:** P.L. 104-231, enacted 10/02/96, amended the Freedom of Information Act (FOIA) (5 USC 552). It has a two-fold purpose: to improve public access to Government information and records maintained in an electronic format by Federal

agencies and to reduce delays in agency responses to FOIA requests.

**Timetable:**

Action	Date	FR Cite
NPRM	08/14/97	62 FR 43489
NPRM Comment Period End	09/15/97	
Final Action	12/00/97	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Henry D. Lerner, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-1762

RIN: 0960-AE68

SOCIAL SECURITY ADMINISTRATION (SSA)

Long-Term Actions

**4039. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; MEDICAL CRITERIA FOR EVALUATING MENTAL DISORDERS FOR ADULTS (222F)**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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

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

**Legal Deadline:** None

**Abstract:** These amendments revise the medical evaluation criteria for mental disorders for the Social Security and Supplemental Security Income disability programs. The revisions will reflect advances in medical treatment and in methods of evaluating certain mental impairments and will provide up-to-date medical criteria for use in the evaluation of disability claims based on mental disorders.

**Timetable:**

Action	Date	FR Cite
NPRM	07/18/91	56 FR 33130
NPRM Comment Period End	09/18/91	
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Richard M. Bresnick, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-1758

RIN: 0960-AC74

**4040. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; REPRESENTATIVE PAYMENT UNDER TITLE II & XVI OF THE SOCIAL SECURITY ACT (295F)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 101-508, sec 5105

**CFR Citation:** 20 CFR 404.902; 20 CFR 404.2011; 20 CFR 404.2022; 20 CFR 404.2024; 20 CFR 404.2025; 20 CFR 404.2030; 20 CFR 404.2041; 20 CFR 404.2050; 20 CFR 416.611; 20 CFR 416.622; 20 CFR 416.624; 20 CFR 416.625; 20 CFR 416.630

**Legal Deadline:** None

**Abstract:** Effective stewardship at SSA programs requires mechanisms to assure that benefits are used to meet the needs of beneficiaries who are not able to manage their own benefits due to legal incompetence or medical infirmity. Congress determined that improvements to the representative

payment procedures were needed to assure program integrity as part of P.L. 101-508. Any costs associated with these regulations are reflected in the President's budget as part of legislative implementation. They are required to further our program integrity efforts.

**Timetable:**

Action	Date	FR Cite
NPRM	03/15/94	59 FR 11949
NPRM Comment Period End	05/16/94	
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Lois Berg, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-1713

RIN: 0960-AD22

**4041. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; FEES FOR REPRESENTATION OF CLAIMANTS (296P)**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in

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the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** PL 101-508, Sec 5106

**CFR Citation:** 20 CFR 404.1703; 20 CFR 404.1713; 20 CFR 404.1720; 20 CFR 404.1715 to 404.1717; 20 CFR 404.1725; 20 CFR 416.1503; 20 CFR 416.1513; 20 CFR 416.1520; 20 CFR 416.1515 to 416.1517; 20 CFR 416.1525

**Legal Deadline:** None

**Abstract:** We propose to amend the regulations to reflect section 5106(a) of Pub. L. 101-508 which modifies the manner in which past-due benefits are calculated and the process by which SSA approves fees charged by persons representing claimants before the Agency.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Henry D. Lerner, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-1762

**RIN:** 0960-AD23

**4042. PROCEDURE TO REVIEW COMPLAINTS OF ALLEGED MISCONDUCT ON THE PART OF ADMINISTRATIVE LAW JUDGES (341P)**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** EO 12674 as modified by EO 12731; 42 USC 405

**CFR Citation:** 20 CFR 422.700 to 713 (New)

**Legal Deadline:** None

**Abstract:** These proposed regulations would establish a procedure to review complaints of alleged misconduct on the part of Administrative Law Judges.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Robert J. Augustine, Legal Assistant, Division of Regulations and Rulings, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 966-5121

**RIN:** 0960-AD54

**4043. ELECTION OF BENEFITS BASED ON AGE BY DISABLED WIDOW, WIDOWER, AND SURVIVING DIVORCED SPOUSE BENEFICIARIES (343P)**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 405

**CFR Citation:** 20 CFR 404.335; 20 CFR 404.336; 20 CFR 404.337

**Legal Deadline:** None

**Abstract:** We propose to amend our regulations to permit the election of benefits based on age by widows, widowers and surviving divorced spouses (hereinafter, collectively widows) who are at least age 60 and who are already entitled to widow's benefits based on disability. This proposal would allow the widow to choose which of the two types of widow's benefits is more advantageous. The estimated increase in benefit payments is less than \$500,000 per year for fiscal years 1992-1995.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Cassandra A. Bond, Legal Assistant, Division of Regulations and Rulings, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-1794

**RIN:** 0960-AD56

**4044. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; HEMIC AND LYMPHATIC SYSTEM, AND MALIGNANT NEOPLASTIC DISEASES (399P)**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 1302; 42 USC 1383; 42 USC 405

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

**Legal Deadline:** None

**Abstract:** Sections 7.00 and 107.00 (hemic and lymphatic system), and 13.00 and 113.00 (malignant neoplastic diseases) of appendix 1 to subpart P of part 404 of the Disability Regulations (404.1501 through 404.1599) describe those impairments which are considered severe enough to prevent a person from engaging in any gainful activity, or in the case of a child under age 18, age-appropriate activities. We are proposing revisions to 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	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Harry J. Short, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-6243

**RIN:** 0960-AD67

**4045. REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY, ENDOCRINE SYSTEM AND OBESITY AND RELATED CRITERIA (436P)**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing

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Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 405; 42 USC 1302; 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 the Disability Regulations (404.1501 through 404.1599) describe those impairments which are considered severe enough to prevent a person from engaging in any gainful activity, or in the case of a child under age 18, age-appropriate activities. 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	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Robert J. Augustine, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 966-5121

**RIN:** 0960-AD78

**4046. VALUATION OF CERTAIN IN-KIND SUPPORT AND MAINTENANCE (ISM) WHERE THERE IS A COST-OF-LIVING ADJUSTMENT IN SSI BENEFITS (454F)**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** PL 103-66, sec 13735

**CFR Citation:** 20 CFR 416.420; 20 CFR 416.1130(a)

**Legal Deadline:** None

**Abstract:** This final regulation will reflect the amendment to section 1611(c) of the Act, effective January 1,

1995, that the current Federal benefit rate be used in determining the value of certain in-kind support and maintenance for the first 2 months in which a cost-of-living adjustment in SSI benefits applies.

**Timetable:**

Action	Date	FR Cite
NPRM	08/09/95	60 FR 40542
NPRM Comment Period End	10/10/95	
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Lawrence V. Dudar, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-1759

**RIN:** 0960-AD82

**4047. FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME, ACCEPTABLE MEDICAL SOURCES (469P)**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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

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

**Legal Deadline:** None

**Abstract:** We propose to add speech and language pathologists to the list of acceptable medical sources in our current regulations. These sources will assist us in establishing the existence of speech and language impairments. We also propose to make other changes in our regulations to clarify what we mean by an acceptable medical source.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Richard M. Bresnick, Legal Assistant, Social Security Administration, Division of Regulations

and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-1758

**RIN:** 0960-AD91

**4048. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; CONTRIBUTIONS FOR SUPPORT (475P)**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**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 428(a) to 428(e); 42 USC 1302

**CFR Citation:** 20 CFR 404.366

**Legal Deadline:** None

**Abstract:** To provide more uniformity in our decision making, we are proposing to amend our rules on the contributions for support that must be provided by the insured to certain categories of claimants for child's benefits.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Lois Berg, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-1713

**RIN:** 0960-AD92

**4049. COMPUTATION OF SSI BENEFITS FOR THE FIRST THREE MONTHS OF PAYMENT (476P)**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 1302; 42 USC 1383

**CFR Citation:** 20 CFR 416.320

**Legal Deadline:** None

SSA

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**Abstract:** SSI eligibility and payment are calculated by taking into account income received by the applicant/recipient. Two calculations must be made for each month. The first is the eligibility computation and is based on the current (payment) month's income. The second is the payment computation, which, under retrospective monthly accounting, is based (usually) on the income of a prior month called the budget month. Generally the budget month is 2 months prior to the payment month. The transitional computation for the first 3 months of SSI payment is an exception to the general rule described above. While the eligibility computation continues to apply to the current month's income, the budget month on which each of the first 3 months' payments are based is the first month of eligibility. This policy was intended to facilitate the transition into 2 month retrospective accounting cycle and to avoid penalizing the recipient for income received prior to initial SSI eligibility. However, the policy also has the effect of counting income which is only received in one month more than one time. In *Jones v. Shalala* the Ninth Circuit Court of Appeals ruled that SSA's transitional computation for the first 3 months of eligibility is not permissible because it will result in the triple counting of nonrecurring income received only in the first month of eligibility. The proposed policy addresses the triple counting of nonrecurring income.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Henry D. Lerner, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-1762

**RIN:** 0960-AD93

**4050. DEFINITION OF "LARGEST BENEFIT AMOUNT" FOR SIMULTANEOUS ENTITLEMENT TO CHILD'S BENEFITS (481P)**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing

Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 402(d); 42 USC 403; 42 USC 404(a); 42 USC 404(e); 42 USC 405(a); 42 USC 405(c); 42 USC 416; 42 USC 422(b); 42 USC 423; 42 USC 424a; 42 USC 425; 42 USC 428(a) to 428(e); 42 USC 902(a)(5)

**CFR Citation:** 20 CFR 404.304; 20 CFR 404.353b; 20 CFR 404.407d

**Legal Deadline:** None

**Abstract:** Section 202(k)(2)(A) of the Act (42 U.S.C. 402(k)(2)(A)) contains the statutory requirements for determining the earnings record on which SSA will pay a person, who is simultaneously entitled to child's insurance benefits on the earnings records of more than one worker. Generally, the child's benefits will be paid on the earnings record that yields the highest primary insurance amount (PIA). However, under certain circumstances, the child's benefits will be paid on the earnings record that yields a lower PIA if that record produces the "largest benefit" to which the child could be entitled under section 202(d) without the application of the reduction under the "family maximum" provisions. In implementing section 202(k)(2)(A), SSA has determined the "largest benefit" under section 202(k)(2)(A) by comparing the original benefit amount (i.e., 50 percent of the PIA of a living worker and 75 percent of the PIA of a deceased worker) calculated on the dependent and/or survivor claim of the child on the earnings record of each worker without applying any reductions or deductions. The United States District Court for the Northern District of Alabama in *Agee v. Sullivan* rejected this interpretation and held that SSA must compare the amounts payable to the child under each earnings record after considering all applicable deductions and reductions other than the reduction under the family maximum provisions. Legal support for both interpretations can be found in the statutory language and legislative history of section 202(k)(2)(A). We have found current regulations implementing section 202(k)(2)(A) to be ambiguous. We propose to amend these regulations to reflect the longstanding SSA interpretation, rather than the

interpretation adopted by the district court in the *Agee* decision.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Lois Berg, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-1713

**RIN:** 0960-AD95

**4051. FEDERAL OASDI AND SSI FOR THE AGED, BLIND, AND DISABLED; BENEFIT REFORMS FOR INDIVIDUALS DISABLED BASED ON DRUG ADDICTION OR ALCOHOLISM (496F)**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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

**CFR Citation:** 20 CFR 404.315; 20 CFR 404.316; 20 CFR 404.321; 20 CFR 404.332; 20 CFR 404.335; 20 CFR 404.337; 20 CFR 404.350; 20 CFR 404.352; 20 CFR 404.402; 20 CFR 404.470; 20 CFR 404.480; 20 CFR 404.902; 20 CFR 404.1535; 20 CFR 404.1536; 20 CFR 404.1537; ...

**Legal Deadline:** Final, Statutory, February 11, 1995.  
Section 201 of Public Law 103-296.

**Abstract:** The Social Security Independence and Program Improvements Act of 1994 (Public Law 103-296) contains provisions affecting the payment of benefits under titles II and XVI of the Social Security Act to individuals whose drug addiction or alcoholism is a contributing factor material to the determination of disability. These final rules implement certain provisions related to limitations on benefit payments and the nonpayment and termination of benefits to these individuals.

SSA

Long-Term Actions

**Timetable:**

Action	Date	FR Cite
Notice of Intent With Request for Comments	10/17/94	59 FR 52380
Interim Final Rule	02/10/95	60 FR 8140
Interim Final Rule Comment Period End	04/11/95	
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Richard M. Bresnick, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-1758

**RIN:** 0960-AD96

**4052. FEDERAL OASDI AND SSI FOR THE AGED, BLIND, AND DISABLED; REPRESENTATIVE PAYMENT PROVISIONS FOR INDIVIDUALS DISABLED BASED ON DRUG ADDICTION OR ALCOHOLISM (507P)**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** PL 103-296, sec 201; 42 USC 405; 42 USC 1302; 42 USC 1383

**CFR Citation:** 20 CFR 404.2001; 20 CFR 404.2010; 20 CFR 404.2021; 20 CFR 404.2040; 20 CFR 404.2040a; 20 CFR 404.2053; 20 CFR 416.621; 20 CFR 416.640; 20 CFR 416.640a; 20 CFR 416.655

**Legal Deadline:** None

**Abstract:** We propose to revise our regulations to extend the representative payee requirement, which now applies only to recipients of supplemental security income (SSI) benefit payments, to Social Security disability insurance (DI) beneficiaries whose drug addiction or alcoholism is material to a finding of disability.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Governmental Jurisdictions, Organizations

**Government Levels Affected:** State

**Agency Contact:** Harry J. Short, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-6243

**RIN:** 0960-AD98

**4053. SSI ELIGIBILITY FOR STUDENTS TEMPORARILY ABROAD (505P)**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 1302; 42 USC 1383

**CFR Citation:** 20 CFR 416.202; 20 CFR 416.270 (New)

**Legal Deadline:** None

**Abstract:** These regulatory changes are required by section 204 of P.L. 103-296, the Social Security Independence and Program Improvements Act of 1994. This provision allows individuals who leave the United States temporarily as part of an educational program that is not available in the United States, that is designed for gainful employment, and that is sponsored by a school, college, or university in the United States, to continue receiving SSI benefits for up to 1 year if they were eligible for SSI benefits for the month they left the country.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Henry D. Lerner, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-1762

**RIN:** 0960-AE01

**4054. REPEAL OF FACILITY OF PAYMENT PROVISION (508F)**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in

the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 403

**CFR Citation:** 20 CFR 404.402(b); 20 CFR 404.458

**Legal Deadline:** None

**Abstract:** This regulation will reflect section 309 of P.L. 103-296 which repeals the facility of payment provision under which Social Security benefits subject to the family maximum would not be redistributed in certain cases and provides that the reduction for the family maximum will be made prior to a temporary suspension for work when the non-working auxiliary resides in a separate household from the working auxiliary.

**Timetable:**

Action	Date	FR Cite
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Cassandra A. Bond, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-1794

**RIN:** 0960-AE02

**4055. GUARANTEED FAMILY MAXIMUMS (510F)**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 403(a)

**CFR Citation:** 20 CFR 404.403

**Legal Deadline:** None

**Abstract:** This regulation will reflect effect section 310 of P.L. 103-296 which provides that the guaranteed primary insurance amount is to be used in establishing the maximum family benefit for workers who had previously been entitled to disability insurance benefits and became reentitled to retirement or disability benefits on or after December 1995.

**Timetable:**

Action	Date	FR Cite
Final Action	00/00/00	

SSA

Long-Term Actions

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Agency Contact:** Cassandra A. Bond, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
 Phone: 410 965-1794  
**RIN:** 0960-AE03

**4056. SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; INCOME AND RESOURCES, DEEMING OF PARENTAL INCOME AND RESOURCES WHEN CHILDREN ARE HOSPITALIZED (522P)**

**Priority:** Substantive, Nonsignificant  
**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.  
**Legal Authority:** 42 USC 1302; 42 USC 1382c(f)(2); 42 USC 1383(d)  
**CFR Citation:** 20 CFR 416.1165; 20 CFR 416.1167; 20 CFR 416.1202  
**Legal Deadline:** None

**Abstract:** Current SSI regulations reflect the concept that deeming (the process of considering another person's income to be your own) applies only in household situations. Currently, children in medical care facilities are not subject to parental deeming because they are not considered to be in the same household as their parents. While maintaining the concept of "household" for deeming purposes, these proposed rules will expand upon current policy from the household and, as a result, subject to parental deeming. This extends the current policy that is applicable to children away at school to children in medical care facilities. That is, a child who is born in or enters a medical care facility and who is subject to the control of a parent will be considered temporarily absent from the parental household. During this absence, deeming will apply.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Agency Contact:** Lawrence V. Dudar, Legal Assistant, Social Security

Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
 Phone: 410 965-1759  
**RIN:** 0960-AE08

**4057. ADMINISTRATIVE REVIEW PROCESS; ADMINISTRATIVE RES JUDICATA AND RELATED RULES (526P)**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 42 USC 405(a); 42 USC 405(b); 42 USC 405(d) to 405(h); 42 USC 405(j); 42 USC 421; 42 USC 401(j); 42 USC 425; 42 USC 405 note; 42 USC 421 note; 42 USC 1383; 42 USC 1383b; 31 USC 3720A; 42 USC 902(a)(5)  
**CFR Citation:** 20 CFR 404.903a (New); 20 CFR 404.903b (New); 20 CFR 404.950; 20 CFR 404.957; 20 CFR 404.967; 20 CFR 416.1403a (New); 20 CFR 416.1403b (New); 20 CFR 416.1450; 20 CFR 416.1457; 20 CFR 416.1467

**Legal Deadline:** None  
**Abstract:** We propose to amend our regulations which govern the administrative review process for the Social Security and Supplemental Security Income (SSI) programs under titles II and XVI of the Social Security Act (the Act) to reflect and implement sections 205(b)(3)(A) and 1631(c)(1)(B)(i) of the Act. These sections of the Act were added by section 5107 of the Omnibus Budget Reconciliation Act of 1990 (OBRA 1990), Pub. L. 101-508, to specify certain cases in which our policy on administrative res judicata may not be applied to deny a claimant's subsequent application for benefits under the Social Security or SSI program. In general, those sections of the Act provide that a claimant's failure to timely request review of an adverse initial or reconsidered determination which we make on an application for benefits under the Social Security or SSI program shall not serve as a basis for a denial by us of the claimant's subsequent application for benefits under the same program if the failure to so request review was due to certain circumstances specified in the statute.

In connection with making changes to our regulations to reflect this statutory exception to administrative res judicata, we are also proposing to amend our regulations to expand and clarify our

rules concerning our policy on administrative res judicata. We are also proposing to amend our regulations to clarify our rules concerning a distinct but related Agency policy which we refer to in our existing regulations as "collateral estoppel," but which we propose to rename "adoption of findings" in these proposed regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Agency Contact:** Lois Berg, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
 Phone: 410 965-1713  
**RIN:** 0960-AE11

**4058. OASDI; NONPAYMENT OF BENEFITS TO INCARCERATED INDIVIDUALS AND INDIVIDUALS CONFINED IN CRIMINAL CASES, PURSUANT TO CONVICTION OR BY COURT ORDER BASED ON FINDINGS OF INSANITY (531P)**

**Priority:** Substantive, Nonsignificant  
**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.  
**Legal Authority:** 42 USC 402(x); 42 USC 405; 42 USC 902  
**CFR Citation:** 20 CFR 404.468  
**Legal Deadline:** None  
**Abstract:** The regulation will implement section 4 of P.L. 103-387 which modifies and expands the current prisoner nonpayment provisions.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Agency Contact:** Cassandra A. Bond, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
 Phone: 410 965-1794  
**RIN:** 0960-AE16

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Long-Term Actions

**4059. SUPPLEMENTAL SECURITY INCOME; PLANS FOR ACHIEVING SELF-SUPPORT (506P)**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** PL 103-296, sec 203; 42 USC 1383b(d)

**CFR Citation:** 20 CFR 416.1180; 20 CFR 416.1181; 20 CFR 416.1182; 20 CFR 416.1224; 20 CFR 416.1225; 20 CFR 416.1226

**Legal Deadline:** None

**Abstract:** These regulations revise our rules on plans to achieve self-support (PASS) to take into account the time period an individual will need for completion of his or her PASS and other factors determined to be appropriate.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Harry J. Short, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-6243

**RIN:** 0960-AE17

**4060. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE BENEFITS; REPLACING SOCIAL SECURITY NUMBER CARDS (543F)**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 405

**CFR Citation:** 20 CFR 422.103

**Legal Deadline:** None

**Abstract:** These final rules will support our pilot test for replacing social security number cards when we receive a request by telephone. We will test replacing the card based on information

furnished by telephone, without requiring additional documentation.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/22/95	60 FR 32444
Interim Final Rule Comment Period End	08/21/95	
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Daniel T. Bridgewater, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-3298

**RIN:** 0960-AE18

**4061. ELIMINATION OF ROUNDING DISTORTION IN THE CALCULATION OF THE CONTRIBUTION AND BENEFIT BASE AND EARNINGS TEST EXEMPT AMOUNTS (512F)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 405; 42 USC 1302; 42 USC 1383

**CFR Citation:** 20 CFR 404.211(c); 20 CFR 404.430(c); 20 CFR 404.1047 to 1048; 20 CFR 404, subpart C, app 1; 20 CFR 404.403(d); 20 CFR 404.408ff; 20 CFR 404.1048(c); 20 CFR 404.1918(b)

**Legal Deadline:** None

**Abstract:** Section 321(g) of Pub. L. 103-296 designates 1994 as the base year to be used in calculating increases in the OASDI contribution and benefit base and earnings test exempt amounts for all years after 1994. (Increases in these amounts will no longer be based on the rounded amounts applicable in the previous year, which can distort the base and exempt amounts over time.) The provision is effective for the contribution and benefit base beginning in 1995 and for earnings test exempt amounts for taxable years ending after 1994.

**Timetable:**

Action	Date	FR Cite
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Lawrence V. Dudar, Legal Assistant, Social Security Administration, Division of Regulations

and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-1759

**RIN:** 0960-AE40

**4062. DETERMINING DISABILITY AND BLINDNESS; ELIMINATING THE LOWER SUBSTANTIAL GAINFUL ACTIVITY EARNINGS GUIDELINE AMOUNTS (603P)**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 423(d)(4); 42 USC 1382c (a)(3)(D); 42 USC 902(a)(5)

**CFR Citation:** 20 CFR 404.1574; 20 CFR 416.974

**Legal Deadline:** None

**Abstract:** These proposed rules would eliminate the lower substantial gainful activity earnings guideline amounts to simplify the evaluation of work activity in claims for disability benefits under titles II and XVI of the Social Security Act. This reflects a recommendation of the Disability Reengineering Project Proposal published in the Federal Register on April 15, 1994 (59 FR 18188).

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Richard M. Bresnick, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-1758

**RIN:** 0960-AE49

**4063. 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 1382c(f); 42 USC 1383; 42 USC 1382b; 42 USC 1382j

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**CFR Citation:** 20 CFR 416.1160 (c)(3)(iii); 20 CFR 416.1165 (g)(1); 20 CFR 416.1166

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Agency Contact:** Robert J. Augustine, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 966-5121

**RIN:** 0960-AE50

**4064. PAYMENTS FOR VOCATIONAL REHABILITATION SERVICES (615P)**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 405(a); 42 USC 422; 42 USC 902(a)(5); 42 USC 1382d; 42 USC 1383(d)(1); 42 USC 1383(e); 42 USC 1683b(a)

**CFR Citation:** 20 CFR 404.2111; 20 CFR 404.2117; 20 CFR 404.2121; 20 CFR 416.2211; 20 CFR 416.2217; 20 CFR 416.2221

**Legal Deadline:** None

**Abstract:** We are proposing to amend our regulations to minimize the reporting burden on providers of vocational rehabilitation (VR) services

who serve Social Security beneficiaries and Supplemental Security Income recipients who are disabled or blind under our VR payment programs. These proposed changes to our regulations will: simplify the criteria for determining when VR services will be considered to have contributed to a continuous period of 9-months of substantial gainful activity (SGA) and make other changes to reduce burdens on State agencies.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Robert J. Augustine, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 966-5121

**RIN:** 0960-AE54

**4065. DEDICATED ACCOUNTS AND INSTALLMENT PAYMENTS FOR CERTAIN PAST DUE SSI BENEFITS (622F)**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 20 CFR 416.535; 20 CFR 416.538; 20 CFR 416.542; 20 CFR 416.545; 20 CFR 416.546; 20 CFR 416.570; 20 CFR 416.640; 20 CFR 416.1124; 20 CFR 416.1210; 20 CFR 416.1247

**Legal Deadline:** Final, Statutory, November 22, 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 which equals or exceeds 12 months' benefits to be paid in installments, with certain exceptions.

**Timetable:**

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

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Richard M. Bresnick, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-1758

**RIN:** 0960-AE59

**4066. EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, THE REHABILITATION ACT OF 1973, AND THE AGE DISCRIMINATION ACT OF 1975, IN PROGRAMS RECEIVING FINANCIAL ASSISTANCE BY SSA (617F)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 902(a)(5); 5 USC 301; 20 USC 1405; 21 USC 1174; 29 USC 794; 42 USC 290dd-2; 42 USC 2000d-1; 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 SSIPIA established SSA as an independent agency in the Executive Branch of the Federal Government effective March 31, 1995, and vested general regulatory authority in the Commissioner of Social Security (the Commissioner). Under section 106(b) of SSIPIA, HHS regulations in effect immediately prior to March 31, 1995, which relate to functions now vested in the Commissioner by reason of SSA's independence, continue to apply to SSA until such time as they are modified, suspended, terminated or

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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, 85, 90, and 91. These SSA regulations reflect changes necessary to adapt the HHS regulations to SSA procedures.

Upon SSA's rules becoming final regulations, the HHS regulations will cease to have application to SSA in accordance with section 106(b) of SSIPIA.

**Timetable:**

Action	Date	FR Cite
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Suzanne DiMarino, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-1769

**RIN:** 0960-AE63

**4067. AVAILABILITY OF INFORMATION AND RECORDS TO THE PUBLIC—CHARGING FEES FOR PROVIDING PERSONAL INFORMATION (618P)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1360; 18 USC 1905; 26 USC 6103; 30 USC 923(b); 31 USC 9701; 42 USC 405; 42 USC 902(a)(5); 42 USC 1306

**CFR Citation:** 20 CFR 402

**Legal Deadline:** None

**Abstract:** These proposed rules will, in general, provide that SSA will not charge fees for personal information if it is to be used for a publicly administered program whose purpose is compatible with a Social Security Act program.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Harry J. Short, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235

Phone: 410 965-6243

**RIN:** 0960-AE64

**4068. REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY, DELETION OF OBESITY LISTING (620P)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 405; 42 USC 1383

**CFR Citation:** 20 CFR 404.1500

**Legal Deadline:** None

**Abstract:** This proposed rule would eliminate "Obesity" from the Listing of Impairments in appendix 1 of subpart P of 20 CFR part 404. Current medical and vocational research demonstrates that obesity, viewed alone, is not determinative of an individual's inability to engage in any gainful activity. Instead, individuals with obesity would have their cases reviewed under the listing for (an) affected body system(s) or, on a case-by-case basis, at the remaining steps of the sequential evaluation process.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Robert J. Augustine, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 966-5121

**RIN:** 0960-AE65

**4069. COVERAGE OF EMPLOYEES OF STATE AND LOCAL GOVERNMENTS; OFFICE OF MANAGEMENT AND BUDGET (OMB) CONTROL NUMBER (280F)**

**Priority:** Info./Admin./Other

**Legal Authority:** 42 USC 405; 42 USC 410; 42 USC 418; 42 USC 902(a)(5)

**CFR Citation:** 20 CFR 404.1215; 20 CFR 404.1203; 20 CFR 404.1204; 20 CFR 404.1214; 20 CFR 404.1216; 20 CFR 404.1220; 20 CFR 404.1225; 20 CFR 404.1237; 20 CFR 404.1239; 20 CFR 404.1242; 20 CFR 404.1243; 20 CFR 404.1247; 20 CFR 404.1249; 20 CFR 404.1251; 20 CFR 404.1265; ...

**Legal Deadline:** None

**Abstract:** These final regulations supply the OMB control number for the information collection requirements in section 404.1215 of subpart M of our final regulations on coverage of employees of State and local governments. They also remove the Effective Date Note from 16 other sections in subpart M.

**Timetable:**

Action	Date	FR Cite
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Lois A. Berg, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-1713

**RIN:** 0960-AE69

**4070. • ADDING NEW SSI INCOME AND RESOURCE EXCLUSION (VA PAYMENTS TO CERTAIN VIETNAM VETERANS' CHILDREN WITH SPINA BIFIDA) TO LISTS OF EXCLUSIONS PROVIDED BY OTHER FEDERAL STATUTES (664F)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 38 USC 1805(d)

**CFR Citation:** 20 CFR 416.1182, app; 20 CFR 416.1236

**Legal Deadline:** None

**Abstract:** P.L. 104-204 provides a that Department of Veterans Affairs monthly allowance paid to children of Vietnam veterans for disabilities resulting from spina bifida will not be considered income or resources in determining eligibility for or the amount of benefits under any Federal or federally assisted program. These regulations update the lists of exclusions from income and resources under the SSI program that are in statutes other than the Social Security Act.

**Timetable:**

Action	Date	FR Cite
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Robert J. Augustine, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235

**SSA**

**Long-Term Actions**

Phone: 410 966-5121

RIN: 0960-AE79

**SOCIAL SECURITY ADMINISTRATION (SSA)**

**Completed Actions**

**4071. RELIABLE INFORMATION WHICH IS CURRENTLY AVAILABLE FOR DETERMINING BENEFIT AMOUNTS IN THE SUPPLEMENTAL SECURITY INCOME PROGRAM (382F)**

**Priority:** Info./Admin./Other

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**CFR Citation:** 20 CFR 416.420

**Completed:**

Reason	Date	FR Cite
Final Action - This regulation should be cross referred to RIN 0960-AD77	06/05/97	62 FR 30747

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Henry D. Lerner  
Phone: 410 965-1762

**RIN:** 0960-AD65

**4072. RELIABLE INFORMATION WHICH IS CURRENTLY AVAILABLE FOR DETERMINING BENEFIT AMOUNTS IN THE SUPPLEMENTAL SECURITY INCOME PROGRAM (NEWMAN) (434P)**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**CFR Citation:** 20 CFR 416.420

**Completed:**

Reason	Date	FR Cite
Withdrawn - This regulation should be cross referred to RIN 0960-AD65	06/05/97	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Henry D. Lerner

Phone: 410 965-1762

**RIN:** 0960-AD77

**4073. DEEMING IN THE SUPPLEMENTAL SECURITY INCOME (SSI) PROGRAM WHEN AN INELIGIBLE SPOUSE OR PARENT IS ABSENT FROM HOUSEHOLD DUE SOLELY TO ACTIVE MILITARY SERVICE (462F)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 20 CFR 416.1167

**Completed:**

Reason	Date	FR Cite
Final Action	08/07/97	62 FR 42410
Final Action Effective	09/08/97	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Daniel T. Bridgewater  
Phone: 410 965-3298

**RIN:** 0960-AD86

**4074. TECHNICAL CHANGES TO TITLE XVI (466F)**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**CFR Citation:** 20 CFR 416.1236; 20 CFR 416 app

**Completed:**

Reason	Date	FR Cite
Final Action	06/06/97	62 FR 30980
Final Action Effective	07/07/97	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Suzanne DiMarino  
Phone: 410 965-1769

**RIN:** 0960-AD89

**4075. AMENDED 20 CFR, PARTS 400-499; EMPLOYEES' BENEFITS (595F)**

**Priority:** Info./Admin./Other

**CFR Citation:** 20 CFR 400 to 499

**Completed:**

Reason	Date	FR Cite
Final Action	07/18/97	62 FR 38448
Final Action Effective	07/18/97	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Suzanne DiMarino  
Phone: 410 965-1769

**RIN:** 0960-AE45

**4076. ADMINISTRATIVE (613F)**

**Priority:** Info./Admin./Other

**CFR Citation:** 20 CFR 429.100ff

**Completed:**

Reason	Date	FR Cite
Final Action	05/05/97	62 FR 24328
Final Action Effective	05/05/97	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Suzanne DiMarino  
Phone: 410 965-1769

**RIN:** 0960-AE51

**4077. INDEMNIFICATION OF SSA EMPLOYEES (614F)**

**Priority:** Info./Admin./Other

**CFR Citation:** 20 CFR 430.101

**Completed:**

Reason	Date	FR Cite
Final Action	07/25/97	62 FR 39933

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Suzanne DiMarino  
Phone: 410 965-1769

**RIN:** 0960-AE52

**4078. TESTING ELIMINATION OF THE FOURTH STEP IN THE DISABILITY CLAIM PROCESS (REQUEST FOR APPEALS COUNCIL REVIEW) (621F)**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or

SSA

Completed Actions

duplication, or streamline requirements.  
**CFR Citation:** 20 CFR 404.967; 20 CFR 416.1467

**Completed:**

Reason	Date	FR Cite
Final Action	09/23/97	62 FR 49598
Final Action Effective	09/23/97	

**Small Entities Affected:** None  
**Government Levels Affected:** Federal  
**Agency Contact:** Harry J. Short  
 Phone: 410 965-6243  
**RIN:** 0960-AE58

**4079. REDUCTION IN SSI PAYABLE TO INSTITUTIONALIZED CHILDREN WHOSE MEDICAL COSTS ARE COVERED BY PRIVATE INSURANCE (630F)**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 20 CFR 416.1149; 20 CFR 416.1165; 20 CFR 416.1202; 20 CFR 416.211; 20 CFR 416.212; 20 CFR 416.414

**Completed:**

Reason	Date	FR Cite
Final Action	08/07/97	62 FR 42411
Final Action Effective	01/08/97	

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Agency Contact:** Daniel T. Bridgewater  
 Phone: 410 965-3298  
**RIN:** 0960-AE61

**4080. SSI OVERPAYMENT RECOVERY BY OFFSET OF FEDERAL INCOME TAX REFUND (632F)**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 20 CFR 416.580 to 416.586; 20 CFR 416.1403

**Completed:**

Reason	Date	FR Cite
Final Action	09/22/97	62 FR 49437
Final Action Effective	09/22/97	

**Small Entities Affected:** None

**Government Levels Affected:** None  
**Agency Contact:** Robert J. Augustine  
 Phone: 410 966-5121  
**RIN:** 0960-AE67

**4081. • FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE; DETERMINING DISABILITY AND BLINDNESS; EXTENSION OF EXPIRATION DATES FOR SEVERAL BODY SYSTEM LISTINGS**

**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:** The Social Security Administration (SSA) adjudicates claims at the third step of its sequential process for evaluating disability using the Listing of Impairments (the listings) under the Social Security and supplemental security income (SSI) programs. This rule extends the dates on which several body system listings will no longer be effective and makes two related nonsubstantive technical changes. We have made no revisions to the medical criteria in these listings; they remain the same as they now appear in the Code of Federal Regulations. These extensions will ensure that we continue to have medical evaluation criteria in the listings to adjudicate claims for disability based on impairments in these body systems at step three of our sequential evaluation process.

**Timetable:**

Action	Date	FR Cite
Final Action	06/05/97	62 FR 30746

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Agency Contact:** Richard M. Bresnick, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235

Phone: 410 965-1758  
**RIN:** 0960-AE70

**4082. • OASDI; ADMINISTRATIVE REVIEW PROCESS, FINAL RULES TO EXTEND THE EFFECTIVE DATE OF THE AUTHORITY FOR PREHEARING PROCEEDINGS AND DECISIONS BY ATTORNEY ADVISORY (650F)**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 42 USC 401(j); 42 USC 405(a); 42 USC 405(b); 42 USC 405(d) to 405(h); 42 USC 405(j); 42 USC 421; 42 USC 425; 42 USC 902(a)(5)

**CFR Citation:** 20 CFR 404.942; 20 CFR 404.943; 20 CFR 416.1442; 20 CFR 416.1443

**Legal Deadline:** None

**Abstract:** These rules extend the time during which attorney advisors in our Office of Hearings and Appeals shall have the authority to conduct certain prehearing proceedings and, where the documentary record developed as a result of these proceedings warrants, to issue decisions that are wholly favorable to the parties to the hearing. We are extending the effectiveness of the provisions that authorize attorney advisors to conduct these proceedings and issue such decisions for a period of six months.

**Timetable:**

Action	Date	FR Cite
Final Action	06/30/97	62 FR 35076

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Agency Contact:** Harry J. Short, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235  
 Phone: 410 965-6243

**RIN:** 0960-AE72  
 [FR Doc. 97-24032 Filed 10-28-97; 8:45 am]  
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