

the Privacy Act regarding protections for such individuals.

The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, State, or local government records. It requires Federal agencies involved in computer matching programs to:

- (1) Negotiate written agreements with the other agency or agencies participating in the matching programs;
- (2) Obtain the Data Integrity Boards' approval of the match agreements;
- (3) Publish notice of the computer matching in the **Federal Register**;
- (4) Furnish detailed reports about matching programs to Congress and OMB;
- (5) Notify applicants and beneficiaries that their records are subject to matching; and
- (6) Verify match findings before reducing, suspending, terminating, or denying an individual's benefits or payments.

B. SSA Computer Matches Subject to the Privacy Act

We have taken action to ensure that all of SSA's computer matching programs comply with the requirements of the Privacy Act, as amended.

Dated: February 17, 2006.

Martin H. Gerry,

Deputy Commissioner for Disability and Income Security Programs.

Notice of Computer Matching Program, Social Security Administration (SSA) With the Railroad Retirement Board (RRB)

A. Participating Agencies

SSA and RRB.

B. Purpose of the Matching Program

The purpose of this agreement is to establish the conditions under which RRB agrees to disclose RRB annuity payment data to the SSA through a computer matching program. This disclosure will provide SSA with information necessary to verify Supplemental Security Income (SSI) program, and Special Veterans Benefits (SVB) program, eligibility and benefit payment amounts. It will also help to ensure that railroad annuity amounts paid by RRB to SSI and SVB recipients are correctly recorded on SSA's Supplemental Security Income Record and Special Veterans Benefit Record (SSR).

C. Authority for Conducting the Matching Program

The legal authority for the SSI portion of this matching program is contained in

sections 1631(e)(1)(A) and (B) and 1631(f) of the Social Security Act (the Act), (42 U.S.C. 1383(e)(1)(A) and (B) and 1383(f)). The legal authority for the SVB portion of this matching program is contained in section 806(b) of the Act, (42 U.S.C. 1006 (b)).

D. Categories of Records and Individuals Covered by the Matching Program

On the basis of certain identifying information provided by SSA, RRB will provide SSA with electronic files containing annuity payment data from RRB's system of records (*i.e.*, RRB-22 Railroad Retirement, Survivor, and Pensioner Benefits System; Check Writing Integrated Computer Operation (CHICO) Benefit Payment Master System). SSA will then match the RRB data with data maintained in the SSR, SSA/ODSSIS, 60-0103 system of records.

E. Inclusive Dates of the Matching Program

The matching program shall become effective no sooner than 40 days after notice for the program is sent to Congress and OMB, or 30 days after publication of this notice in the **Federal Register**, whichever date is later. The matching program will continue for 18 months from the effective date and may be extended for an additional 12 months thereafter, if certain conditions are met.

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SOCIAL SECURITY ADMINISTRATION

Rescission of Social Security Acquiescence Ruling 00-2(7)

AGENCY: Social Security Administration.

ACTION: Notice of Rescission of Social Security Acquiescence Ruling (AR) 00-2(7)—*Hickman v. Apfel*, 187 F.3d 683 (7th Cir. 1999).

SUMMARY: In accordance with 20 CFR 402.35(b)(2), 404.985(e), and 416.1485(e), the Commissioner of Social Security gives notice of the rescission of Social Security AR 00-2(7).

DATES: *Effective Date:* The rescission of this AR will be effective on March 30, 2006.

FOR FURTHER INFORMATION CONTACT: Gary Sargent, Office of the General Counsel, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235-6401, (410) 965-1695 or TTY (410) 966-5609.

SUPPLEMENTARY INFORMATION: An AR explains how we will apply a holding in a decision of a United States Court of

Appeals that we determine conflicts with our interpretation of a provision of the Social Security Act (the Act) or regulations when the Government has decided not to seek further review of that decision or is unsuccessful on further review.

As provided by 20 CFR 404.985(e)(4) and 416.1485(e)(4), we may rescind an AR as obsolete if we subsequently clarify, modify, or revoke the regulation or ruling that was the subject of the circuit court holding for which the Acquiescence Ruling was issued.

On May 3, 2000, we published AR 00-2(7) (65 FR 25783) to reflect the holding in *Hickman v. Apfel*, 187 F.3d 683 (7th Cir. 1999). In *Hickman*, the United States Court of Appeals for the Seventh Circuit held that, when deciding whether an individual's impairment(s) is medically equal to a listed impairment, the decision must be made based on medical evidence alone. Additionally, the court limited the definition of medical evidence to evidence from medical sources. The court interpreted 20 CFR 416.926(b) more narrowly than we intended.

In this issue of the **Federal Register**, we are publishing final rules that, among other things, amend Social Security Regulations No. 4 and 16 (20 CFR 404.1526 and 416.926) to clarify our longstanding policy that, when deciding whether your impairment(s) is medically equal to a listed impairment, the phrase "medical evidence" includes not just findings reported by medical sources but other information about your medical condition(s) and its effects, including your own description of your impairment(s).

Because the changes in the regulations clarify our policy that was the subject of the *Hickman* AR, we are rescinding AR 00-2(7) concurrently with the effective date of the final rules. The final rules and this notice of rescission restore uniformity to our nationwide system of rules, in accordance with our commitment to the goal of administering our programs through uniform national standards.

We will continue to apply this AR to your claim if it is readjudicated under our acquiescence rules (see 20 CFR 404.985(b)(2) and 416.1485(b)(2)).

(Catalog of Federal Domestic Assistance, Program Nos. 96.001 Social Security—Disability Insurance; 96.002 Social Security—Retirement Insurance; 96.004 Social Security—Survivors Insurance; 96.006—Supplemental Security Income.)

Dated: December 12, 2005.

Jo Anne B. Barnhart,

Commissioner of Social Security.

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