

without regard for subheading  
9810.00.60, HTSUS.

\* \* \* \* \*

**§§ 301.1, 301.2, 301.4, 301.5, 301.8, 301.9, 301.10 [Amended]**

6. In addition to the amendments set forth above, 15 CFR part 301 is amended by removing “U.S. Customs Service”, “U.S. Customs”, or “Customs” and adding “Customs and Border Protection” in its place in the following places:

- a. Second sentence in § 301.1(d);
- b. Fourth sentence in § 301.2(k);
- c. Section 301.4 heading, and first sentence of § 301.4(a) introductory text;
- d. Second sentence in § 301.5(d)(ii);
- e. Section 301.8 heading, § 301.8(a)(3), (b) heading and first and second sentences, and (d) first and second sentences;
- f. Section 301.9(b) and § 301.9(c); and
- g. Second sentence in § 301.10(a).

**§§ 301.7, 301.8, 301.9 [Amended]**

7. In addition to the amendments set forth above, 15 CFR part 301 is amended by removing “Customs Port” and adding “CBP Port” in its place in the following places:

- a. First sentence in § 301.7(b);
- b. Third and fourth sentences of § 301.8(a)(4); and
- c. Third sentence of § 301.9(a).

**David Spooner,**

*Assistant Secretary for Import Administration, Department of Commerce.*

**W. Ralph Basham,**

*Commissioner, Customs and Border Protection.*

**Timothy Skud,**

*Deputy Assistant Secretary of the Treasury.*

[FR Doc. E8–29128 Filed 12–16–08; 8:45 am]

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**SOCIAL SECURITY ADMINISTRATION**

**20 CFR Part 404**

[Docket No. SSA–2007–0058]

RIN 0960–AG58

**Use of Date of Written Statement as Filing Date**

**AGENCY:** Social Security Administration.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** We propose to revise our rules for protective filing after we receive a written statement of intent to claim Social Security benefits under title II of the Social Security Act (the Act). Specifically, we propose to revise from 6 months to 60 days the time period during which you must file an

application for benefits after the date of a notice we send explaining the need to file an application. We are proposing this revision to make the time period used in the title II program consistent with the time period used in other programs we administer under the Act. We believe that eliminating the difference between the time periods in the programs we administer would make it easier for the public to understand and follow our rules.

**DATES:** To be sure that your comments are considered, we must receive them by February 17, 2009.

**ADDRESSES:** You may submit comments by any one of four methods—Internet, facsimile, regular mail, or hand-delivery. Commenters should not submit the same comments multiple times or by more than one method. Regardless of which of the following methods you choose, please state that your comments refer to Docket No. SSA–2007–0058 to ensure that we can associate your comments with the correct regulation:

1. Federal eRulemaking portal at <http://www.regulations.gov>. (This is the most expedient method for submitting your comments, and we strongly urge you to use it.) In the *Comment or Submission* section of the Web page, type “SSA–2007–0058”, select “Go,” and then click “Send a Comment or Submission.” The Federal eRulemaking portal issues you a tracking number when you submit a comment.

2. Telefax to (410) 966–2830.

3. Letter to the Commissioner of Social Security, P.O. Box 17703, Baltimore, Maryland 21235–7703.

4. Deliver your comments to the Office of Regulations, Social Security Administration, 922 Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235–6401, between 8 a.m. and 4:30 p.m. on regular business days.

All comments are posted on the Federal eRulemaking portal, although they may not appear for several days after receipt of the comment. You may also inspect the comments on regular business days by making arrangements with the contact person shown in this preamble.

*Caution:* All comments we receive from members of the public are available for public viewing in their entirety on the Federal eRulemaking portal at <http://www.regulations.gov>. Therefore, you should be careful to include in your comments only information that you wish to make publicly available on the Internet. We strongly urge you not to include any personal information, such as your Social Security number or medical information, in your comments.

**FOR FURTHER INFORMATION CONTACT:** Martin Sussman, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235–6401. Call (410) 965–1767 for further information about these proposed rules. For information on eligibility or filing for benefits, call our national toll-free number 1–800–772–1213 or TTY 1–800–325–0778, or visit our Internet Web site, Social Security Online, at <http://www.socialsecurity.gov>.

**SUPPLEMENTARY INFORMATION:**

**Electronic Version**

The electronic file of this document is available on the date of publication in the **Federal Register** at <http://www.gpoaccess.gov/fr/index.html>.

**What rules are we proposing to revise?**

*Time Period To File an Application after Submitting a Written Statement of Intent To Claim Benefits*

We propose to revise our regulations at § 404.630(c), which explain when we will use the date of a written statement as your filing date for Social Security benefits under title II of the Act. We will use the date a written statement indicating your intent to claim benefits is filed with us as the date of your application for benefits if certain requirements are met. Under our current regulations, you must file the application for benefits within 6 months after the date of a notice we send advising you of the need to file an application. We propose to revise the time period to 60 days after the date of such notice.

**Why are we proposing to change our rules?**

As stated above, our current protective filing rules under title II allow us to protect your intent to file for a 6-month period. Our current rules also allow for protective filing in the supplemental security income program under title XVI of the Act and the special veterans benefits program under title VIII of the Act. However, the time period in which an application must be filed in those programs is 60 days after the date of the notice we send advising you of the need to file an application.

Our program experience has shown that the public may be confused by the difference in time periods for protective filing in the programs we administer, and this confusion may cause them to lose benefits. This is especially true when claimants indicate they intend to file concurrent applications for more than one program, usually under titles II and XVI of the Act. The proposed

change to the time period in which to file an application for benefits under title II would simplify program policies by making the time period consistent across the programs we administer under the Act.

The change we are proposing would also help streamline procedures for our field office employees who currently use separate protective filing procedures for claims under title II and title XVI. For instance, the proposed revision could reduce the need for separate notices for each program, providing instead for a single, combined notice. The time savings for field office employees would allow them to process additional claims, and thereby allow us to provide better public service. Ultimately, this change would benefit all applicants for Social Security benefits.

By making the filing period 60 days for title II, we encourage applicants to pursue claims promptly, which can reduce overall case processing time and ultimately provide benefits in a shorter period of time.

Moreover, expanded and updated methods of filing, including Internet applications, provide an opportunity to apply promptly, which we believe lessens the need for a 6-month protective filing period.

**What programs would these proposed rules affect?**

These proposed rules would affect claims for Social Security benefits under title II of the Act. In addition, to the extent that Medicare entitlement is based on whether you qualify for benefits under title II, these proposed rules would also affect the Medicare program.

**What is our authority to make rules and set procedures for determining whether a person qualifies for benefits under title II of the Act?**

Section 205(a) of the Act provides that:

The Commissioner of Social Security shall have full power and authority to make rules and regulations and to establish procedures, not inconsistent with the provisions of this title, which are necessary or appropriate to carry out such provisions, and shall adopt reasonable and proper rules and regulations to regulate and provide for the nature and extent of the proofs and evidence and the method of taking and furnishing the same in order to establish the right to benefits hereunder.

**When will we start to use these rules?**

We will not use these rules until we evaluate the public comments we receive on them, determine whether they should be issued as final rules, and issue final rules in the **Federal Register**. If we publish final rules, we will explain in the preamble how we will apply them. We will also summarize and respond to any public comments. Until the effective date of any final rules, we will continue to use our current rules.

**Clarity of These Proposed Rules**

Executive Order 12866, as amended, requires each agency to write all rules in plain language. In addition to your substantive comments on these proposed rules, we invite your comments on how to make them easier to understand.

For example:

- Have we organized the material to suit your needs?
- Are the requirements in the rules clearly stated?

- Do the rules contain technical language or jargon that is not clear?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the rules easier to understand?
- Would more (but shorter) sections be better?
- Could we improve clarity by adding tables, lists, or diagrams?
- What else could we do to make the rules easier to understand?

**Regulatory Procedures**

*Executive Order 12866, as Amended*

We have consulted with the Office of Management and Budget (OMB) and determined that these proposed rules meet the requirements for a significant regulatory action under Executive Order 12866, as amended. Thus, they were subject to OMB review.

*Regulatory Flexibility Act*

We certify that these proposed rules would not have a significant economic impact on a substantial number of small entities because they would affect only individuals. Thus, a regulatory flexibility analysis as provided in the Regulatory Flexibility Act, as amended, is not required.

*Paperwork Reduction Act*

These proposed rules contain reporting requirements in section § 404.630. These rules changes the protective filing period from 6 months to 60 days for title II claims. We previously accounted for this public reporting burden in the Information Collection Requests for an existing form the public uses to submit the information to SSA. Consequently, we are inserting a 1-hour placeholder burden in this section.

Regulation section	Description of public reporting requirement	Number of respondents (annually)	Frequency of response	Average burden per response (minutes)	Estimated annual burden
§ 404.630 .....	When members of the public state their intent to claim title II Social Security benefits, SSA sends them a notice telling them they must file an application for these benefits. This regulation section changes the time period in which they are required to file the application from six months to 60 days..	.....	.....	.....	1 hour (placeholder burden).
Total .....	N/A .....	.....	N/A	N/A	1

SSA is submitting an Information Collection Request for clearance of this regulation section to OMB. We are soliciting comments on the burden estimate; the need for the information; its practical utility; ways to enhance its

quality, utility, and clarity; and ways to minimize the burden on respondents, including the use of automated techniques or other forms of information technology. If you would like to submit

comments, please send them to the following locations:

Office of Management and Budget, Attn: Desk Officer for SSA, Fax Number: 202-395-6974, E-mail address: [OIRA\\_Submission@omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov);

Social Security Administration, Attn: Reports Clearance Officer, 1333 Annex, 6401 Security Blvd., Baltimore, MD 21235-0001, Fax Number: 410-965-6400, E-mail: [OPLM.RCO@ssa.gov](mailto:OPLM.RCO@ssa.gov).

You can submit comments for up to 60 days after the publication of this notice; however, your comments will be most useful if you send them to SSA within 30 days of publication. To receive a copy of the OMB clearance package, contact the SSA Reports Clearance Officer using any of the above contact methods. We prefer to receive comments by e-mail or fax.

(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.)

#### List of Subjects in 20 CFR Part 404

Administrative practice and procedure; Blind, Disability benefits; Old-Age, Survivors, and Disability Insurance; Reporting and recordkeeping requirements; Social Security.

Dated: September 18, 2008.

**Michael J. Astrue**,  
*Commissioner of Social Security.*

For the reasons set out in the preamble, we propose to amend subpart G of part 404 of chapter III of title 20 of the Code of Federal Regulations as set forth below:

#### PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950— )

##### Subpart G—[Amended]

1. The authority citation for subpart G continues to read as follows:

**Authority:** Secs. 202 (i), (j), (o), (p), and (r), 205(a), 216(i)(2), 223(b), 228(a), and 702(a)(5) of the Social Security Act (42 U.S.C. 402 (i), (j), (o), (p), and (r), 405(a), 416(i)(2), 423(b), 428(a), and 902(a)(5)).

2. Amend § 404.630(c) by revising the first sentence to read as follows:

#### § 404.630 Use of date of written statement as filing date.

\* \* \* \* \*

(c) The claimant files an application with us on an application form as described in § 404.611, or one is filed for the claimant by a person described in § 404.612, within 60 days after the date of a notice we will send advising of the need to file an application. \* \* \*

\* \* \* \* \*

[FR Doc. E8-29951 Filed 12-16-08; 8:45 am]

BILLING CODE 4191-02-P

#### DEPARTMENT OF STATE

##### 22 CFR Part 62

[Public Notice: 6455]

#### Exchange Visitor Program

**AGENCY:** Department of State.

**ACTION:** Proposed rule with request for comment; withdrawal.

**SUMMARY:** On December 10, 2008, the State Department published in the **Federal Register** a proposed rule titled Exchange Visitor Program. The Department amended the General Provisions of the existing Exchange Visitor Program regulations set forth at 22 CFR Part 62. This proposed rule is being withdrawn because it was submitted prior to a formal significance designation being made by OMB. The proposed rule is withdrawn in its entirety.

**DATES:** The proposed rule published at 73 FR 75015, December 10, 2008, is withdrawn effective December 16, 2008.

**FOR FURTHER INFORMATION CONTACT:** Michael Cheman, U.S. Department of State, Washington, DC 20547, (202) 312-9605.

#### SUPPLEMENTARY INFORMATION:

##### Background

On December 10, 2008, the State Department published a proposed rule at 73 FR 75015. The rule was intended to amend the General Provisions (Subpart A) of the existing Exchange Visitor Program regulations set forth at 22 CFR part 62 in order to provide greater specificity regarding program administration, sponsor obligations and participant eligibility in the Exchange Visitor Program.

##### Reason for Withdrawal

This rule was published prior to submission to OMB for formal significance designation. The proposed rule is withdrawn for OMB review. Accordingly, the Department withdraws the proposed rule "Exchange Visitor Program", Public Notice: 6448, RIN 1400-AC36.

Withdrawal of the proposed rule does not preclude the Department from issuing another rule on the subject matter in the future or committing the agency to any future course of action.

Dated: December 10, 2008.

**Michael G. Cheman**,  
*Deputy Director, Office of Directives Management, Department of State.*

[FR Doc. E8-29784 Filed 12-16-08; 8:45 am]

BILLING CODE 4710-24-P

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### Office of Inspector General

##### 42 CFR Part 1001

#### Solicitation of New Safe Harbors and Special Fraud Alerts

**AGENCY:** Office of Inspector General (OIG), HHS.

**ACTION:** Notice of intent to develop regulations.

**SUMMARY:** In accordance with section 205 of the Health Insurance Portability and Accountability Act (HIPAA) of 1996, this annual notice solicits proposals and recommendations for developing new and modifying existing safe harbor provisions under the Federal anti-kickback statute (section 1128B(b) of the Social Security Act), as well as developing new OIG Special Fraud Alerts.

**DATES:** To assure consideration, public comments must be delivered to the address provided below by no later than 5 p.m. on February 17, 2009.

**ADDRESSES:** In commenting, please refer to file code OIG-113-N. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

You may submit comments in one of three ways (no duplicates, please):

1. *Electronically.* You may submit electronic comments on specific recommendations and proposals through the Federal eRulemaking Portal at <http://www.regulations.gov>. (Attachments should be in Microsoft Word, if possible.)

2. *By regular, express, or overnight mail.* You may send written comments to the following address: Office of Inspector General, Department of Health and Human Services, Attention: OIG-113-N, Room 5541, Cohen Building, 330 Independence Avenue, SW., Washington, DC 20201. Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By hand or courier.* If you prefer, you may deliver, by hand or courier, your written comments before the close of the comment period to Office of Inspector General, Department of Health and Human Services, Cohen Building, 330 Independence Avenue, SW., Washington, DC 20201. Because access to the interior of the Cohen Building is not readily available to persons without Federal Government identification, commenters are encouraged to schedule their delivery with one of our staff members at (202) 619-1343.