

For both title II and title XVI, after we have reopened a determination or decision, we apply the concept of diligent pursuit on cases where the applicable reopening period ends but we have not completed our investigation. We will presume diligent pursuit to have been met if we conclude the investigation and if needed, revise the determination or decision within 6 months from the date we began the investigation. If we have not diligently pursued the investigation to its conclusion, we will revise the determination or decision only if it will be favorable to you.

In addition, under our current rules of administrative finality, if we cannot reopen the case, we also will not make any prospective changes to the amount of an individual's benefits. For example, if we erroneously entitled you to a larger payment amount than was due, we will continue to pay you the larger benefit amount even though we know it is wrong.

Why are we considering changing our rules of administrative finality?

We are considering changing our rules of administrative finality for a variety of reasons:

1. We take our responsibility as effective stewards of the trust funds very seriously. Modifying our rules would enable us to take corrective action on more cases, and could decrease the amount of improper payments that we make.

2. Our current rules are complex to administer. The fact that our rules under title II and title XVI contain different timeframes for reopening for good cause can result in confusion for our adjudicators and the public, particularly in situations where an individual is concurrently receiving benefits under title II and title XVI of the Act.

3. The current rules may prevent us from making changes regardless of the possible outcome for the individual. For example, if an individual presents or we discover new and material evidence after the time period that would allow us to reopen, we cannot take corrective action and revise the determination or decision. Modifying our rules to change certain timeframes for reopening may enable us to take corrective actions on more cases.

4. The Office of the Inspector General has recommended that we review our rules on administrative finality to find ways that will allow us to correct more erroneous payments.

5. Some of our administrative finality rules have not been revised in sixty years. Over the years, there has been an increase in our workloads and the complexity of our programs. Updating

the rules would allow us to reflect these changes.

6. Finally, modifying our current rules would enable us to streamline and simplify our rules on administrative finality. We believe this would allow us to operate more efficiently in a challenging, limited-resource environment.

### Request for Comments

We are requesting comments concerning whether and how we should change our rules of administrative finality. We ask that, in preparing comments, you address questions such as:

1. Should the timeframe for reopening for good cause be consistent for both title II and title XVI? If so, what should that timeframe be?

2. Should we extend the timeframe for reopening for any reason under both title II and title XVI? If so, what would a reasonable timeframe be? If not, how would you address concerns that the current 12-month timeframe does not give us adequate time to correct errors in determinations or decisions without applying complex good cause rules?

3. Should we revise our rules to provide that we can change an individual's current and future payments, even if we cannot reopen a determination or decision to correct previously issued payments? If not, what actions would you take to address the Office of the Inspector General's September 2007 report<sup>1</sup> that reviewed our title II administrative finality rules and estimated that we would pay approximately an additional \$50 million in incorrect payments in the future because we did not correct ongoing benefits?

4. Should we revise our rules on diligent pursuit? If so, what would be a reasonable timeframe? Or should we eliminate diligent pursuit and instead require that we both reopen and complete any revisions during the applicable reopening timeframe?

5. Are there any other aspects of our administrative finality rules that we should consider revising?

Please see the information under **ADDRESSES** earlier in this document for methods to give us your comments. We will not respond to your comments, but we will consider them as we review our policies and instructions to determine if we should revise or update them.

<sup>1</sup> Social Security Administration, Office of the Inspector General, *Administrative Finality in the Old-Age, Survivors and Disability Insurance Program (Audit No. A-01-07-27029)* (September 2007), at page 3 (available at: <http://oig.ssa.gov/sites/default/files/audit/full/pdf/A-01-07-27029.pdf>).

Dated: July 24, 2013.

**Carolyn W. Colvin,**

*Acting Commissioner of Social Security.*

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 20

[PS Docket Nos. 11-153 and 10-255; Report No. 2985]

### Petition for Reconsideration of Action in Rulemaking Proceeding

**AGENCY:** Federal Communications Commission.

**ACTION:** Petition for reconsideration.

**SUMMARY:** In this document, a Petition for Reconsideration has been filed in the Commission's Rulemaking proceeding by CTIA.

**DATES:** Oppositions to the Petitions must be filed on or before August 15, 2013. Replies to an opposition must be filed on or before August 26, 2013.

**ADDRESSES:** Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:**

Aaron Garza, Public Safety and Homeland Security Bureau, 202-418-1175, [aaron.garza@fcc.gov](mailto:aaron.garza@fcc.gov) <<mailto:aaron.garza@fcc.gov>>.

**SUPPLEMENTARY INFORMATION:** This is a summary of Commission's document, Report No. 2985, released June 11, 2013. The full text of Report No. 2985 is available for viewing and copying in Room CY-B402, 445 12th Street SW., Washington, DC or may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI) (1-800-378-3160). The Commission will not send a copy of this *Notice* pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A), because this *Notice* does not have an impact on any rules of particular applicability.

*Subjects:* Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications; Framework for Next Generation 911 Deployment, FCC 13-64, published at 78 FR 32169, May 29, 2013, in PS Docket No. 11-153 and PS Docket No. 10-255, published pursuant to 47 CFR 1.429(e). See also 47 CFR 1.4(b)(1) of the Commission's rules.

*Number of Petitions Filed:* 1.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary, Office of the Secretary, Office of  
Managing Director.*

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