

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 340

[Docket No. APHIS-2008-0023]

RIN 0579-AC31

Importation, Interstate Movement, and Release Into the Environment of Certain Genetically Engineered Organisms; Correction

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule; correction.

SUMMARY: We are correcting an error in our proposed rule to revise the regulations regarding the importation, interstate movement, and environmental release of certain genetically engineered organisms. The proposed rule was published in the *Federal Register* on October 9, 2008 (73 FR 60008-60048, Docket No. APHIS 2008-0023).

FOR FURTHER INFORMATION CONTACT: Biotechnology Regulatory Services, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737-1236; (301) 734-5710.

SUPPLEMENTARY INFORMATION:

On October 9, 2008, we published in the *Federal Register* (73 FR 60008-60048, Docket No. APHIS 2008-0023) a proposed rule to revise the regulations regarding the importation, interstate movement, and environmental release of certain genetically engineered organisms.

In the **SUPPLEMENTARY INFORMATION** section of the proposed rule on page 60037, under the heading "D. Executive Order 12988," we stated that, if this proposed rule is adopted, no State or local laws or regulations would be preempted by this rule. This information is incorrect. We should have stated that, if this proposed rule is adopted, all State and local laws and regulations that are inconsistent with this rule will be preempted. This document corrects that error.

Correction

In FR Doc. E8-23584, published on October 9, 2008 (73 FR 60008-60048), make the following correction: On page 60037, first column, under the heading "D. Executive Order 12988," correct "No State or local laws or regulations would be preempted by this rule" to read "All State and local laws or regulations that are inconsistent with this rule will be preempted".

Done in Washington, DC this 5th day of November 2008.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E8-26717 Filed 11-7-08; 8:45 am]

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SOCIAL SECURITY ADMINISTRATION

20 CFR Parts 404, 405, and 416

[Docket No. SSA-2007-0053]

Compassionate Allowances for Brain Injuries; Office of the Commissioner, Hearing

AGENCY: Social Security Administration (SSA).

ACTION: Announcement of Public Hearing.

SUMMARY: We are considering ways to quickly identify diseases and other serious medical conditions that obviously meet the definition of disability under the Social Security Act (Act) and can be identified with minimal objective medical information. We are calling this method "Compassionate Allowances." In December 2007 and April 2008, we held two Compassionate Allowance public hearings. These hearings concerned rare diseases and cancers, respectively. This hearing is the third in the series. The purpose of this hearing is to obtain your views about the advisability and possible methods of identifying and implementing compassionate allowances for children and adults with brain injuries. We plan to address other medical conditions at subsequent hearings.

DATES: This hearing will be held on November 18, 2008, between 8:30 a.m. and 5 p.m. Eastern Standard Time (EST), at Ft. Myer, VA. The hearing will be held at 204 Lee Avenue, Ft. Myer,

VA, 22211-1199, at the Ft. Myer Officers Club. While the public is welcome to attend the hearing, only invited witnesses will be permitted to participate. Ft. Myer is open to members of the public willing to undergo security screening. You may also watch the proceedings live via webcast beginning at 9 a.m. Eastern Standard Time (EST). You may access the webcast for the hearing on the Social Security Administration Web page at <http://www.socialsecurity.gov/compassionateallowances/hearings1108.htm>.

ADDRESSES: You may submit up to two pages of written comments about the compassionate allowances initiative with respect to children and adults with brain injuries, as well as topics covered at the hearing by: (1) E-mail addressed to Compassionate.Allowances@ssa.gov or (2) mail to Diane Braunstein or Nancy Schoenberg, Office of Compassionate Allowances and Disability Outreach, ODP, ORDP, Social Security Administration, 4671 Annex, 6401 Security Boulevard, Baltimore, MD 21235-6401.

FOR FURTHER INFORMATION CONTACT: Compassionate.Allowances@ssa.gov. You may also mail inquiries about this meeting to Diane Braunstein or Nancy Schoenberg, Office of Compassionate Allowances and Disability Outreach, ODP, ORDP, Social Security Administration, 4671 Annex, 6401 Security Boulevard, Baltimore, MD 21235-6401. 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 site, Social Security Online, at <http://www.socialsecurity.gov>.

SUPPLEMENTARY INFORMATION:

Background

Under titles II and XVI of the Act, we pay benefits to individuals who meet our rules for entitlement and have medically determinable physical or mental impairments that are severe enough to meet the definition of disability in the Act. The rules for determining disability can be very complicated, but some individuals have such serious medical conditions that their conditions obviously meet our disability standards. To better address the needs of these individuals, we are implementing the Compassionate Allowance initiative to quickly identify

diseases and other medical conditions that invariably qualify under the Listing of Impairments based on minimal objective medical information.

Will We Respond to Your Comments?

We will carefully consider your comments, although we will not respond directly to comments sent in response to this notice or the hearing.

Additional Hearings

We held a hearing on rare diseases on December 4 and 5, 2007, and a hearing on cancers on April 7, 2008. You may access the transcripts of both hearings at <http://www.socialsecurity.gov/compassionateallowances>. We plan to hold additional hearings on other conditions and will announce those hearings later with notices in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security—Disability Insurance; 96.006, Supplemental Security Income. (72 Fed. Reg. at 62608)).

Dated: November 3, 2008.

Michael J. Astrue,

Commissioner of Social Security.

[FR Doc. E8–26682 Filed 11–7–08; 8:45 am]

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SOCIAL SECURITY ADMINISTRATION

20 CFR Parts 404 and 416

[Docket No. SSA 2008–0033]

RIN 0960–AG61

Setting the Time and Place for a Hearing before an Administrative Law Judge

AGENCY: Social Security Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: We propose to amend our rules to clarify that the agency is responsible for setting the time and place for a hearing before an administrative law judge (ALJ). Consistent with our regulations at lower levels of the administrative process, we propose to use “we” or “us” in the rules setting the time and place for a hearing. These changes will ensure greater flexibility in scheduling hearings both in person and via video teleconferencing and will aid us in our effort to increase efficiency in the hearing process and reduce the number of pending hearings. The number of cases awaiting a hearing has reached historic proportions, and efforts toward greater efficiency are critical to addressing this problem.

DATES: To be sure that we consider your comments, we must receive them no later than January 9, 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–2008–0033 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 “Search Documents” section of the webpage, type “SSA–2008–0033”, 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, MD 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 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: Brent Hillman, Social Security Administration, 5107 Leesburg Pike, Falls Church, Virginia 22041–3260, (703) 605–8280, for information about this notice. 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 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>.

Introduction

We are committed to improving the efficiency of the hearing process under the Old Age, Survivors, and Disability Insurance (OASDI) programs under title II of the Social Security Act (Act) and the Supplemental Security Income (SSI) program under title XVI of the Act. As part of our plan to carry out that commitment, we propose to amend our rules and clarify that the agency is responsible for setting the time and place for an administrative law judge hearing.

The growth of our pending workloads at the ALJ-hearing level has been well-publicized, and we are attempting to address this growth and prepare for anticipated increases in hearing requests. Our Inspector General audited ALJ productivity and concluded that we must increase productivity if we are to eliminate the hearings backlog. This proposal, in connection with other proposed rule changes, will aid us in increasing the productivity of those ALJs who are not processing a sufficient number of cases and allow us to meet our goal to provide better service to claimants seeking a hearing before an ALJ. We anticipate exercising this authority only in those situations where productivity is below what we need to meet our goal to drive down the backlog.

We recognize that the amendment to clarify that the agency sets the time and place of the hearing may be perceived as unwarranted by the small number of ALJs who may be affected by it. The agency’s responsibility to set the time and place of the hearing in no way interferes with the well-respected role of the ALJs to hear and decide cases. While we believe ALJs will accept this principle, we will continue to monitor productivity closely. If hearings are not being performed in a prompt and professional manner, we will use all available existing authorities to correct that situation. We will also monitor the success of this regulation on an agency-wide basis to ensure that it does not produce unintended consequences. Where we do exercise authority to set the time and place for a hearing before an ALJ, we will carefully monitor quality, productivity and accuracy.

Explanation of Changes

In testimony before various congressional committees, we have