

by only the SSN, but this change was not made without consideration of those challenges. As indicated in our 1999 ANPRM related to this matter, we have encouraged States to develop an alternative identifier for several years. As stated above, we have, with the assistance of the American Association of Motor Vehicle Administrators and the support of the U.S. Department of Transportation, combined efforts to assist States that require SSNs for driver licensing and motor vehicle registration purposes in the development of alternative identifier systems to accommodate individuals not authorized to work in the U.S.

Additionally, we must do all we can to protect the integrity of the SSN processes. One aspect of our stewardship responsibilities is to ensure that our enumeration processes prevent those who have lawfully entered this country, but without work authorization, from improperly obtaining an SSN and subsequently committing fraud and misuse. We always try to strike an appropriate balance between minimizing public burden and protecting the public interest, and in this instance we believe that balance is best achieved by eliminating drivers' licensing as a valid nonwork reason for the assignment of SSNs for nonwork purposes.

Clarity of These Regulations

Executive Order 12866 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 these proposed rules 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 unclear?
- 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 by Executive Order 13258

The Office of Management and Budget (OMB) has reviewed these rules in accordance with Executive Order 12866 as amended. We have also determined that these rules meet the plain language requirement of Executive Order 12866.

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.

Federalism

We have reviewed these proposed regulations under the threshold criteria of Executive Order 13132 and have determined that they would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. As noted above, we propose to continue assigning SSNs for State-related purposes when we believe it does not conflict with our stewardship responsibilities. The impact is limited to those States that have not developed an alternative system for identifying individuals not eligible for SSNs and who are seeking drivers' licenses.

Paperwork Reduction Act

These proposed rules contain reporting requirements in section 422.107. We have been collecting this information under Office of Management and Budget (OMB) Number 0960-0066, using form SS-5, Application for SSN Card and from State Bureaus of Vital Statistics (BVS) through the enumeration at birth process. However, the changed reporting requirements in section 422.107, described above, and the revised form will require clearance from OMB under the Paperwork Reduction Act of 1995. Below is the estimated public reporting burden:

	Form SS-5	State BVSs
Number of Respondents .....	14,000,000 .....	53.
Frequency of Response: (daily/weekly/monthly) .....	1 .....	Varies.
Average Burden Per Respondent/Cost Per Response ....	8.5-9.5 minutes .....	\$1.94 per record for 4,096,000 records.
Estimated Annual Burden .....	1,987,533 hours .....	\$7,951,080.

An Information Collection Request is being submitted to OMB for clearance. 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 on ways to minimize the burden on respondents, including the use of automated collection techniques or other forms of information technology. Comments may be mailed or faxed to OMB and SSA at the following addresses/fax numbers:

Office of Management and Budget, Attn: OMB Desk Officer, Rm. 10235, New Executive Office Building, 725 17th St., NW., Washington, DC 20503, Fax No. 202-395-6974.

Social Security Administration, Attn: SSA Reports Clearance Officer, 1338 Annex Building, 6401 Security Boulevard, Baltimore, MD 21235-6401, Fax No. 410-965-6400.

Comments can be received between 30 and 60 days after publication of this notice and will be most useful if received by SSA within 30 days of publication. You can obtain a copy of the collection instrument by calling the SSA Reports Clearance Officer at 410-965-0454.

(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; and 96.006, Supplemental Security Income)

List of Subjects in 20 CFR Part 422

Administrative practice and procedure, Organization and functions (Government agencies) Reporting and recordkeeping requirements, Social Security.

Dated: March 17, 2003.

Jo Anne B. Barnhart,  
Commissioner of Social Security.

For the reasons set out in the preamble, we propose to amend part 422, subpart B, chapter III of title 20, Code of Federal Regulations as follows: