

Act. We will also provide each claimant with a Private Act notice handout.

### Comments Suggesting That the Photographs Taken by SSA Be Used as Evidence of Disability

*Comment:* One commenter suggested that the photographs taken by SSA should be used for evidence of disability for the individuals that file applications.

*Response:* The intent of the pilot regulations is to address the problem of complicit impersonation and to improve our ability to detect and prevent identity fraud in SSA applications and programs. We want to limit the use of photographs to the purpose stated in the pilot at this time.

### Federal Register Notice for Modifying Privacy Act System of Records

A formal notice that will modify the Privacy Act system of records for the Claims Folder System<sup>f</sup> will be published in the **Federal Register** to reflect the new information to be collected during the pilot projects.

### Regulatory Procedures

#### Executive Order 12866

The Office of Management and Budget (OMB) has reviewed these final rules in accordance with Executive Order 12866, as amended by Executive Order 13258. Because of the pilot's short time duration and limited geographic coverage, we expect any costs or savings to be negligible (*i.e.*, less than \$2.5 million).

#### Regulatory Flexibility Act

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

#### Paperwork Reduction Act

As part of the claimant identification pilot project SSA is requesting clearance of two associated public use forms that will collect pilot performance and tracking data. Listed below is the title and summary of the 2 proposed forms:

### The Claimant ID Pilot Flag

The claimant ID Pilot Flag will be used by SSA to track and identify case disposition of disability claims filed at the pilot offices. Respondents are Disability Determination Service (DDS) personnel.

### Consultative Examination Evaluation Form

The Consultative Examination Evaluation Form is designed to elicit feedback data about the photographic identification process from physicians that conduct consultative examinations within the designated pilot areas. Respondents to the collection are consultative examination providers participating in the pilot.

Both the Claimant ID Pilot Flag and the Consultative Examination Evaluation Form will be used by SSA to provide evaluation data and measure the effectiveness of the pilots. Burden information concerning the use of these forms is shown in the following table.

Form	Annual number of responses	Frequency of response	Average burden per response (minutes)	Estimated annual burden (hours)
Claimant ID Pilot Flag .....	27,990	1	1	467
Consultative Examination Evaluation Form .....	11,196	1	2	373
Total .....	39,186	.....	.....	840

An Information Collection Request has been 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 can be mailed or faxed to the Office of Management and Budget and the Social Security Administration 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 up to 30 days after publication of this notice.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security

Disability Insurance and 96.006, Supplemental Security Income.)

### List of Subjects

#### 20 CFR Part 404

Administrative practice and procedure, Aged, Blind, Disability benefits, Old-age, Survivors and disability insurance, Reporting and record keeping requirements, Social security.

#### 20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disability benefits, Public assistance programs, Reporting and recordkeeping requirements, Supplemental Security Income (SSI).

Dated: March 12, 2003.

**Jo Anne B. Barnhart,**

*Commissioner of Social Security.*

■ For the reasons set out in the preamble, we are amending part 404, subpart G and part 416, subpart C of chapter III, title 20 of the Code of Federal Regulations as follows:

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

■ 1. The authority citation for subpart G of part 404 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. Add new § 404.617 under the existing heading, **Applications**, to read as follows:

#### Applications

\* \* \* \* \*

#### § 404.617 Pilot program for photographic identification of disability benefit applicants in designated geographic areas.

(a) To be eligible for Social Security disability insurance benefits in the designated pilot geographic areas during the time period of the pilot, you or a person acting on your behalf must give SSA permission to take your photograph and make this photograph a part of the claims folder. You must give us this permission when you apply for benefits