

**Supporting Statement for Paperwork Reduction Act Submissions of Methods for Conducting Personal Conferences When Waiver of Recovery of a Title II or Title XVI Overpayment Cannot Be Approved**

**20 CFR Part 404 506(e)(3), 404.506(f)(8) & 416.557(c)(3) and 416.557 (d)(8)**

**SSA-3320P**

**OMB 0960-NEW**

**A. Justification**

**1. Authorizing Laws and Regulations to Collect the Information**

SSA is proposing to revise our rules on conducting personal conferences when waiver of recovery of a title II or title XVI overpayment cannot be approved. These proposed revisions would allow for the conferences to be conducted face-to-face, by telephone, or by video teleconference. Currently, SSA only conducts these conferences face-to-face. Although these proposed rules only contain information collection burdens in §§416.557(c)(3) and 416.557(d)(8), we are also including the associated information collection burdens for §§404.506(e)(3) and 404.506(f)(8) since those sections also deal with personal conferences and have not been previously cleared under the PRA.

The authorizing citations for the information collection are as follows: Sections 1631(a)-(d) and (g) of the Social Security Act (42 U.S.C. 902(a)(5), 1320b-17, 1381, 1381a, 1382(c) and (e), and 1383(a)-(d) and (g)); 31 U.S.C. 3720A.

**2. How, by Whom and for What Purpose Information is to be Used**

In the case of the information collection requirements in 20 CFR 404.506(e)(3) and 416.557 (c)(3), a beneficiary may provide documents to support his or her contention that he or she is without fault in causing the overpayment and does not have the ability to repay the debt. These documents may be provided by respondents via printed form or personal statement submitted by mail, telephone, personal contact, or any other suitable method, such as fax or email.

In the case of the information collection requirements in 20 CFR 404.506(f)(8) and 416.557(d)(8), an SSA representative may request that the beneficiary provide current financial documents to determine if he or she has the ability to repay the debt. These documents may be provided by respondents via printed form or personal statement submitted by mail, telephone, personal contact, or any

other suitable method, such as fax or email.

**3. Use of Information Technology to Collect the Information**

In most cases the information is collected through various SSA forms approved by OMB. The information collection requests (ICR) for the forms provide information on the use of information technology to collect the information.

**4. Why Duplicate Information Cannot Be Used**

The nature of the information and the manner in which it is collected preclude duplication. There is no other instrument used by SSA that collects data similar to that collected here.

**5. How Burden on Small Businesses is Minimized**

This collection does not have a significant impact on a substantial number of small businesses or other small entities.

**6. Consequences of Not Collecting Information or Collecting Less Frequently**

Individuals who do not provide the information required in 20 CFR 404.506(e)(3), 404.506(f)(8), 416.557 (c)(3), and 416.557(d)(8) will not meet the requirements for waiver of recovery of an overpayment, will not be able to pursue further levels of administrative appeal, and will be obligated to accept the previous determination made on their claims. The above consequences would clearly be contrary to the interests and rights of SSI recipients.

**7. Special Circumstances Inconsistent with 5 CFR 1320.5**

There are no special circumstances that would cause this information collection to be conducted in a manner inconsistent with 5 CFR 1320.5.

**8. Solicitation of Public Comment and Other Consultations with the Public**

The public has the opportunity to review and comment on the information collection requirements through a notice in the preamble of the regulation. The NPRM was published at 72 FR 9709 on March 5, 2007.

**9. Payment or Gifts to Respondents**

SSA provides no payment or gifts to the respondents.

**10. Assurances of Confidentiality**

The information collected is protected and held confidential in accordance with 42 U.S.C. 1306, 20 CFR 401 and 422, 5 U.S.C. 552 (Freedom of Information Act), 5 U.S.C. 552a (Privacy Act of 1974) and OMB Circular No. A-130.

**11. Justification for Sensitive Questions**

The information collection does not contain any questions of a sensitive nature.

**12. Estimates of Public Reporting Burden**

These proposed rules contain reporting requirements as outlined in the following table. The total annual hour burden for the public is 187,500 hours.

<b>Title/Section &amp; Collection Description</b>	<b>Annual number of respondents</b>	<b>Frequency of response</b>	<b>Average burden per response (minutes)</b>	<b>Estimated annual burden (hours)</b>
Personal Conference <b>404.506(e)(3)</b> Submittal of additional documents for consideration at personal conferences.	150,000	1	30	75,000
Personal Conference <b>404.506(f)(8)</b> Submittal of additional mitigating financial information and verifications for consideration at personal conferences.	75,000	1	30	37,500

Personal Conference <b>416.557(c)(3)</b> Submittal of additional documents for consideration at personal conferences.	100,000	1	30	50,000
Personal Conference <b>416.557(d)(8)</b> Submittal of additional mitigating financial information and verifications for consideration at personal conferences.	50,000	1	30	25,000
<b>Total</b>	<b>375,000</b>	----- -----	----- -----	<b>187,500</b>

The total burden is reflected as burden hours, and no separate cost burden has been calculated.

**13. Estimate of Total Annual Costs to Respondents to Provide the Information**

There is no known cost burden to respondents.

**14. Annualized Cost to the Federal Government**

The annual cost to the Federal Government is negligible.

**15. Program Changes or Adjustments to the Information Collection Budget**

This is not a new collection of information. However, this is the initial clearance for the regulatory burden contained in the rule and will result in a program increase.

**16. Plans for Publication of Results of Information Collection**

The results of the information collected will not be published for statistical purposes.

**17. Request not to Display OMB Expiration Date**

SSA is not requesting an exception to publishing the OMB expiration date.

**18. Exception to Certification Statement**

SSA is not requesting an exception to the certification requirements. Please note, however, that statistical survey methodology is not used for this information collection.

**B. Collections of Information Employing Statistical Methods**

Statistical methods are not used for this information collection.