

SUPPORTING STATEMENT FOR REGULATION SSA-3431P (RIN 0960-AG58)

USE OF DATE OF WRITTEN STATEMENT AS FILING DATE

OMB No. 0960-NEW

A. Justification

1. Authorizing Laws and Regulations

Sections 202(a)-(h) and 202(j) of the *Social Security Act* discuss 1) the requirement for a claimant to file an application to qualify for monthly Social Security benefits and 2) the month when the benefits begin. Section 404 of the *Code of Federal Regulations* also explains the Social Security Administration's (SSA) rules for filing applications and month of entitlement to benefits.

Previously, when SSA notified those who were seeking SSA payments about the need to file an application to receive these benefits, the applicants had 60 days to file the necessary application. SSA is revising these rules and extending that period to 6 months. This ICR is for the revised regulation section stating this revised rule. The respondents are applicants for SSA benefits whom SSA notified about the need to file an application.

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

SSA will use the information described by this regulation section to ensure that members of the public seeking Social Security benefits file an application in a timely and procedurally correct manner.

404.630(c) – When members of the public state their intent to claim title II Social Security benefits, SSA sends them a notice telling them they must file an application for these benefits. This regulation section changes the period in which applicants must file the application from six months to 60 days.

We account for the public reporting burden for this section in the ICRs for all of our title II benefits applications [including OMB No. 0960-0618 (SSA-1, SSA-2, SSA-16, and ISBA), OMB No. 0960-0004 (SSA-10), OMB No. 0960-0003 (SSA-5), OMB No. 0960-0010 (SSA-4), and OMB No. 0960-0012 (SSA-7)].

3. Use of Information Technology to Collect the Information

Where appropriate, SSA developed electronic versions of the forms cited in #2 above under the agency's Government Paperwork Elimination Act plan.

4. Why Duplicate Information Cannot Be Used

The nature of the information we are collecting and the manner in which we collect it preclude duplication. SSA does not use another collection instrument to gather similar data.

5. How Burden on Small Respondents is Minimized

This collection does not affect small businesses or other small entities.

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

If SSA did not publish these rules, the public would not know about the extended period for submitting benefits applications, thus abrogating their rights. If we did not use the information collections cited in question #2 above, members of the public would have no way to apply for desired Social Security benefits. Since we only collect the information once, we cannot collect it less frequently.

There are no technical or legal obstacles to burden reduction.

7. Special Circumstances that Need to be Explained

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

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

SSA published the Federal Register Notice for the Notice of Proposed Rulemaking (NPRM) on December 17, 2008, at 73 FR 76573. If we receive any public comments in response to the PRA section of the NPRM, we will forward them to OMB.

SSA did not consult with the public in the development of this revised rule.

9. Payment or Gifts to Respondents

SSA provides no payment or gifts to the respondents.

10. Assurances of Confidentiality

SSA protects and holds confidential the information it is requesting in accordance with 42 U.S.C. 1306, 20 CFR 401 and 402, 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

Below is a chart of the regulation section containing public reporting requirements and the burden it imposes. Because the burden for this section is accounted for by existing OMB-approved collections, we inserted a 1-hour placeholder burden.

The total burden represents burden hours, and we did not calculate a separate cost burden.

Title/Section & Collection Description	Annual number of respondents	Frequency of response	Average burden per response (minutes)	Estimated annual burden (hours)
404.630(c) When members of the public file a written state of their intent to claim Title II Social Security benefits, SSA sends them a notice telling them they must file an application for these benefits. This regulation section changes the time period in which they are required to file the application from six months to 60 days.	-	-	-	1 (covered by OMB No. 0960-0618 (SSA-1, SSA-2, SSA-16, and ISBA), OMB No. 0960-0004 (SSA-10), OMB No. 0960-0003 (SSA-5), OMB No. 0960-0010 (SSA-4), and OMB No. 0960-0012 (SSA-7).)
Totals	-	-	-	1 hour

13. Annual cost to the Respondents (Other)

There is no known cost burden to the respondents.

14. Annual Cost to Federal Government

Because existing information collection tools pose the burden for this regulation section, we accounted for the annual cost to the Federal Government in their ICRs.

15. Program Changes or Adjustments to the Information Collection Budget

There are no changes to the public reporting burden.

16. Plans for Publication of Results of Information Collection

SSA will not publish the results of the information collection.

17. Request not to Display OMB Expiration Date

For SSA paper forms, OMB granted SSA an exemption from the requirement to print the expiration date for OMB approval on its program forms. SSA produces millions of public-use forms, many of which have a life cycle longer than that of an OMB approval. Because SSA does not periodically revise and reprint its public-use forms (e.g., on an annual basis), this exemption allows SSA to avoid destroying otherwise useable editions of forms with expired OMB expiration dates, avoiding Government waste.

For Internet or telephone applications, SSA is not requesting an exemption to the requirement to display an expiration date.

18. Exceptions to Certification Statement

SSA is not requesting an exception to the certification requirements at 5 CFR 1320.9 and related provisions at 5 CFR 1320.8(b)(3).

B. Collections of Information Employing Statistical Methods

SSA will not use statistical methods for this information collection.