

**Supporting Statement for  
Protecting the Public and Our Personnel to Ensure  
Operational Effectiveness (RIN 0960-AH35), Regulation 3729I  
20 CFR 422.905, 422.906  
OMB No. 0960-NEW**

**A. Justification**

**1. Introduction/Authoring Laws and Regulations**

SSA published the process we follow when we ban an individual from entering our field offices. We expect this rule will result in a safer environment for our personnel and members of the public who use our facilities, while ensuring we continue to serve the American people with as little disruption to our operations as possible.

Per the regulations in *20 CFR 422.905* of the *Code of Federal Regulations*, an individual we determine is a threat that we ban from our facilities has the opportunity to appeal our decision within 60 days of the date of the ban notice. Per *20 CFR 422.906*, if the individual does not appeal the decision within the 60 days; if we banned the individual prior to the effective date of this regulation; or if the appeal results in a denial, the individual has another opportunity to request review of the ban after a three-year period. This periodic review is available to banned individuals once every three years.

On September 2, 2011, the agency published interim final regulations and notifications processes for the ban decision at 76 FR 54700. In addition, on June 1, 2012 OMB granted an Emergency Clearance for this collection. This information collection request (ICR) requests regular approval for the public reporting burdens from the interim final rules.

**2. Description of Collection**

The interim final ban decision rules contain two public reporting burdens:

- **20 CFR 422.905** – After SSA issues a ban decision against an individual, the individual has 60 days to appeal that determination. Individuals must submit a written appeal stating why they believe SSA should rescind the ban and allow them to conduct business with us on a face-to-face basis in one of our offices. There is no printed form for this request; banned individuals create their own written statement of appeal, and submit it to a sole decision-maker in the Regional Office of the region where the ban originated. The individuals may also provide additional documentation to support their appeal.
- **20 CFR 422.906** – Three years after the original ban decision, banned individuals may re-submit a written appeal of the determination. The same criteria apply as for the original appeal: 1) it must be in writing; 2) it must go to a sole decision-maker in the Regional Office of the region where the ban originated for review; and 3) it may accompany supporting documentation.

Respondents for this collection are individuals appealing their banning from SSA field offices.

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

The agency collects the information via paper only, as we have no printed form for this IC. Given the low number of expected appellants (approximately 150 per year), SSA did not develop a printed form for this purpose. SSA collects the information from the appellants through their written requests for appeals or periodic reviews. SSA did not create an electronic version of the appeal or periodic review process under the Agency's Government Paperwork Elimination Act (GPEA) because we estimate only 150 appellants complete the process annually. This is less than the GPEA cut-off of 50,000.

**4. Why we Cannot Use Duplicate Information**

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

**5. Minimizing Burden on Small Respondents**

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

**6. Consequence of Not Collecting Information or Collecting it Less Frequently**

Individuals who do not provide the information required in *20 CFR 422.905*, and *422.906* will not meet the requirements for appeal or periodic review of the ban decision. The consequences would clearly be contrary to the interests and rights of banned individuals. Because we only collect the information at the designated times, we cannot collect it less frequently. There are no technical or legal obstacles to burden reduction.

**7. Special Circumstances**

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 Interim Final Rules in the Federal Register Notice on September 2, 2011 at 76 FR 54700 and we received eight public comments. SSA did not conduct outside consultations with members of the public. In addition, The Emergency Federal Register Notice for these Interim Final Rules published on April 17, 2012 at 77 FR 22831, and SSA received no public comments.

The 60-day advance Federal Register Notice for the regular OMB approval process published on October 24, 2012, at 77 FR 65044, and we received no public comments. SSA published the second Notice on December 28, 2012, at 77 FR 76591. If we receive comments in response to the 30-day Notice, we will forward them to OMB. We did not consult with the public in the revision of this form.

**9. Payment or Gifts to Responders**

SSA does not provide payments or gifts to the appellants.

**10. Assurances of Confidentiality**

SSA protects and holds confidential the information it collects 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**

Although we collect information some may consider sensitive (e.g., information regarding medical conditions), it is necessary for us to have this to process the collection, and we keep the information confidential.

**12. Estimates of Public Reporting Burden**

These proposed rules contain reporting requirements as outlined in the following table:

<b>Regulation Section</b>	<b>Number of Respondents</b>	<b>Frequency of Response</b>	<b>Average Burden Per Response (minutes)</b>	<b>Estimated Annual Burden (hours)</b>
20 CFR 422.905	75	1	15	19
20 CFR 422.906	75	1	20	25
<b>Total</b>	<b>150</b>			<b>44</b>

The total burden for this ICR is **44 hours**. This figure represents burden hours and we did not calculate a separate cost burden.

**13. Annual Cost to Respondents**

This collection does not impose a known cost burden on the appellants.

**14. Annual Cost to Federal Government**

The annual cost to the Federal Government is negligible.

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

There are no changes to the public reporting burden.

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

SSA will not publish the results of the information collection.

**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.

- B. Collections of Information Employing Statistical Methods**  
SSA does not use statistical methods for this information collection.