(e) An alternate method of compliance or adjustment of the compliance time which provides an equivalent level of safety, may be used when approved by the Manager, Los Angeles Aircraft Certification Office, ANM-100L, FAA, Northwest Mountain Region, 3229 East Spring Street, Long Beach, California 90806-2425.

Amendment 39-6784 becomes effective on December 10, 1990.

Issued in Fort Worth, Texas, on October 16, 1990.

Henry A. Armstrong,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 90-26167 Filed 11-5-90; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM80-53]

Maximum Lawful Price and Inflation Adjustments Under the Natural Gas Policy Act

AGENCY: Federal Energy Regulatory Commission, Energy.

ACTION: Final rule; order of the Director, OPPR.

SUMMARY: Pursuant to the authority delegated by 18 CFR 375.307(c)(1), the Director of the Office of Pipeline and Producer Regulation revises and publishes the maximum lawful prices prescribed under title I of the Natural Gas Policy Act (NGPA) for the months of November, December, 1990 and January, 1991. Section 101(b)(6) of the NGPA requires that the Commission compute and publish the maximum lawful prices before the beginning of each month for which the figures apply.

EFFECTIVE DATE: November 1, 1990.

FOR FURTHER INFORMATION CONTACT: Garry L. Penix, (202) 208-0622.

SUPPLEMENTARY INFORMATION:

Order of the Director, OPPR

Issued October 31, 1990

In the matter of Publication of Prescribed Maximum Lawful Prices Under the Natural Gas Policy Act of 1978.

Section 101(b)(6) of the Natural Gas Policy Act of 1978 (NGPA) requires that the Commission compute and make available maximum lawful prices and inflation adjustments prescribed in title I of the NGPA before the beginning of any month for which such figures apply.

Pursuant to this requirement and § 375.307(c)(1) of the Commission's regulations, which delegates the publication of such prices and inflation adjustments to the Director of the Office of Pipeline and Producer Regulation, the maximum lawful prices for the months of November, December, 1990 and January, 1991, are issued by the publication of the price tables for the applicable quarter. Pricing tables are found in § 271.101(a) of the Commission's regulations. Table I of § 271.101(a) specifies the maximum lawful prices for gas subject to NGPA sections 102, 103(b)(1), 105(b)(3), 106(b)(1)(B), 107(c)(5), 108 and 109. Table II of § 271.101(a) specifies the maximum lawful prices for sections 104 and 106(a) of the NGPA. Table III of § 271.102(c) contains the inflation adjustment factors. The maximum lawful prices and the inflation adjustment factors for the periods prior to November, 1990, are found in the tables in §§ 271.101 and 271.102.

List of Subjects in 18 CFR Part 271

Natural gas.

Kevin P. Madden,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

1. The authority citation for part 271 continues to read as follows:

Authority: Natural Gas Act, 15 U.S.C. 717-717w; Department of Energy Organization Act, 42 U.S.C. 7101-7352; E.O. 12009, 3 CFR 1978 Comp., p. 142; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432.

§ 271.101 [Amended]

2. Section 271.101(a) is amended by adding the maximum lawful prices for November, December, 1990 and January, 1991, in Tables I and II.

TABLE I.—NATURAL GAS CEILING PRICES (OTHER THAN NGPA SECTIONS 104 AND 106(a))

Subpart of part 271	NGPA section	Category of gas	Maximum lawful price per MMBtu for Deliveries in—		
			Nov. 1990	Dec. 1990	Jan. 1991
B	102	New natural gas, certain OCS gas [1]	$5.868	$5.904	$5.940
C	103(b)(1)	New onshore production wells [2]	3.623	3.634	3.645
E	105(b)(3)	Intrastate existing contracts	5.567	5.597	5.627
F	106(b)1(B)	Alternative maximum lawful price for certain intrastate rollover gas [3].	2.073	2.079	2.085
G	107(c)(5)	Gas produced from tight formation [4]	7.246	7.268	7.290
H	108	Stripper gas	6.284	6.322	6.361
I	109	Not otherwise covered	2.998	3.007	3.016

[1] Commencing January 1, 1985, the price of natural gas finally determined to be new natural gas under section 102(c) was deregulated. (See part 272 of the Commission's regulations.)

[2] Commencing January 1, 1985, and July 1, 1987, the price of some natural gas finally determined to be natural gas produced from a new, onshore production well under section 103 was deregulated. (See part 272 of the Commission's regulations.) Thus, for all months succeeding June 1987 publication of a maximum lawful price per MMBtu under NGPA section 103(b)(2) is discontinued.

[3] Section 271.602(a) provides that for certain gas sold under an intrastate rollover contract the maximum lawful price is the higher of the price paid under the expired contract, adjusted for inflation or an alternative Maximum Lawful Price specified in this Table. This alternative Maximum Lawful Price for each month appears in this row of Table I. Commencing January 1, 1985, the price of some intrastate rollover gas was deregulated. (See part 272 of the Commission's regulations.)

[4] The maximum lawful price for tight formation gas is the lesser of the negotiated contract price or 200% of the price specified in subpart C of part 271. The incentive ceiling price does not apply to certain gas after May 12, 1990, as a result of Commission Order No. 519-A. (See § 271.703 of the Commission's regulations.)

TABLE II.—NATURAL GAS CEILING PRICES: NGPA SECTIONS (104 AND 106(a) (SUBPART D, PART 271)

Category of natural gas and type of sale or contract	Maximum lawful price per MMBtu for deliveries in—		
	Nov. 1990	Dec. 1990	Jan. 1991
Post-1974 gas: [2] All producers	$2.998	$3.007	3.016
1973–1947 Biennium gas:			
Small producer	2.529	2.536	2.543
Large producer	1.940	1.946	1.952
Interstate rollover gas: All producers	1.112	1.115	1.118
Replacement contract gas or recompletion gas:			
Small producer	1.425	1.429	1.433
Large producer	1.088	1.091	1.094
Flowing gas:			
Small Producer	0.718	0.720	0.722
Large producer	0.605	0.607	0.609
Certain Permian Basin gas:			
Small producer	0.847	0.849	0.852
Large producer	0.750	0.752	0.754
Certain Rocky Mountain gas:			
Small producer	0.847	0.849	00.852
Large producer	0.750	0.752	0.754
Certain Appalachian Basin gas:			
North subarea contracts dated after 10–7–69	0.684	0.686	0.688
Other contracts	0.634	0.636	0.638
Minimum rate gas: [1] All producers	0.372	0.373	0.374

[1] Prices for minimum rate gas are expressed in terms of dollars per Mcf, rather than MMBtu.
[2] This price may also be applicable to other categories of gas (see §§ 271.402 and 271.602).

§ 271.102 [Amended]

3. Section 271.102(c) is amended by adding the inflation adjustment for the months of November, December, 1990 and January, 1991 in Table III.

TABLE III.—INFLATION ADJUSTMENT

Month of delivery	Factor by which price in preceding month is multiplied
1990	
November	1.00295
December	1.00295
1991	
January	1.00295

[FR Doc. 90–26146 Filed 11–5–90; 8:45 am]
BILLING CODE 6717–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 422

RIN 0960–AC34

Social Security Number Cards

AGENCY: Social Security Administration, HHS.

ACTION: Final rules.

SUMMARY: In these final regulations, we are amending our rules on issuing Social Security number (SSN) cards. We explain the role of the States in accepting applications for SSN cards from persons applying for or receiving welfare benefits and update our rules on applying for SSN cards outside the United States. We also discuss the role of the Immigration and Naturalization Service (INS) in accepting applications for SSN cards from aliens who have applied to legalize their status under the Immigration Reform and Control Act of 1986 (Pub. L. 99–603). Additionally, we are clarifying and updating our rules on the evidence an applicant, including a U.S. citizen, must submit in support of an application for an SSN card.

EFFECTIVE DATES: These rules are effective November 6, 1990.

FOR FURTHER INFORMATION CONTACT: Jack Schanberger, Legal Assistant, 3–B–1 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235, (301) 965–8471.

SUPPLEMENTARY INFORMATION:

Section 205(c)(2)(B)(iii)) of the Social Security Act (the Act) (42 U.S.C. 405(c)(2)(B)(iii) directs the Secretary of Health and Human Services to enter into agreements with State and local welfare agencies in order to carry out his duty to assure that SSNs will be assigned to appropriate individuals. We are, therefore, adding a provision to § 422.106 to indicate that the Social Security Administration (SSA) has entered into agreements with some States under which State employees may accept applications for SSN cards from persons applying for or receiving welfare benefits under a State-administered Federal program. The State employees are also authorized to certify the application to show that they have reviewed the required supporting evidence. This provision will codify a practice we have developed with individual States for the mutual benefit of applicants, SSA, and the States.

We are revising § 422.103 to explain that individuals outside the United States may apply for an SSN not only at the Department of Veterans Affairs Regional Office in Manila, but also at any U.S. foreign service post or at any U.S. military post outside the United States.

The amended rules also update our procedures for issuing SSN cards under section 205(c)(2)(B)(i) of the Act. That section requires the Secretary of Health and Human Services to assure that SSNs are assigned to aliens at the time of their lawful admission to the United States either for permanent residence, or under other authority permitting them to work, and to other aliens at such time as their status is changed to make it lawful for them to work. Under this authority, we are amending our current rules (§ 422.106) concerning the issuance of SSN cards.

In the amended § 422.106, we explain procedures, prompted by the Immigration Reform and Control Act of 1986 (IRCA) (Pub. L. 99–603), for assigning SSNs to aliens when they apply for lawful admission to the United States. Among other things, the IRCA established a program whereby an alien who showed continuous residence in the United States since January 1, 1982, or who met the requirements for special

agricultural workers, could legalize his or her status. The INS grants legalization applicants temporary authority to work as part of the legalization process. Pursuant to section 205(c)(2)(B)(iii) of the Act, SSA entered into an agreement with INS to facilitate the assignment of SSNs to the large number of aliens who applied to legalize their status and to assure that leglization applicants were assigned SSNs at the time their status changed to make it lawful for them to work. Under the agreement, INS employees accepted applications for SSN cards in the course of interviewing legalization applicants.

Although much of the legalization work and assigning SSNs to aliens has been completed, there are still some cases being processed. We are, therefore, revising § 422.106 of the regulations to reflect the role of INS in obtaining SSN applications in connection with the legalization process.

We are also revising our rules in § 422.107(c) of the regulations on annotating records of aliens. In the past, we have annotated records of aliens in order to report work activity to INS when earnings were reported to an SSN which had been issued for a nonwork purpose. These final rules provide that we may now also annotate records of aliens in order to report work activity to INS in cases where the SSN card had been originally issued for work purposes, but the work authority granted by the INS has expired or has been terminated by that agency.

Additionally, we are making minor changes to revise and clarify our rules on the evidence that must be provided by an applicant, including a U.S. citizen, in support of an SSN card application, and to update the explanation of how we process applications.

On September 30, 1988, proposed rules were published in the **Federal Register** at 53 FR 38302 with a 60-day comment period. We received comments from 14 organizations, 2 State officials, 2 county officials, and 2 individuals. We have responded to comments we received, including those that resulted in changes in the rules, as well as those that were not adopted. Several commenters addressed the same issue, and these comments are addressed together in the responses.

Discussion of Comments

Comment: The primary goal of State public assistance agencies is to pay benefits quickly, while SSA's goal in these regulations (§ 422.106(c)) is to maintain accurate records. Which goal should be favored?

Response: Some State welfare offices have been processing SSN card applications for several years and the evidence requirements have not changed since 1978. Generally, individuals who apply for State benefits have or can provide enough documentation which can be used to support their requests for SSN cards. Since States do not pay certain benefits until a number is provided or applied for, the SSN requirements must be met regardless of where the individual applies. Thus, there should be no delay in benefit payment simply because a State assisted with the SSN card application. These regulations are not intended to favor either a State's benefit program or SSA's process. Rather, they should complement each other.

Comment: Do these regulations prohibit State welfare agencies from using, for purposes of SSN card applications, the same kinds of evidence that are acceptable for public assistance purposes?

Response: The required review and verification of evidence documents is the same regardless of where the individual applies for an SSN card. States which agree to process SSN card applications are expected to follow the Federal rules on acceptable types of evidence. SSA provides to the States instructions similar to those used by SSA employees. These instructions explain which documents are acceptable. The commenter asked about a practice in one particular State whereby the State Department of Social and Health Services has direct terminal online access to birth records in the Bureau of Vital Statistics. Since the printout comes directly from the vital statistics data base and there are sufficient safeguards to prevent tampering and unauthorized use of the data base, SSA accepts it as sufficient evidence of age and citizenship.

Comment: Will States be required to institute quality control procedures for State agency certifications of applications for SSN?

Response: SSA does not require States to institute quality control procedures for State agency certification of SSN card applications. SSA does not expect State employees to follow the same guidelines SSA employees use when accepting applications and reviewing evidence.

Comment: Will States be reimbursed for the man-hours needed to process SSN card applications under these regulations?

Response: States usually agree to assist in taking SSN card applications only when it benefits them as well as the individuals involved. SSA does not reimburse States which volunteer to participate in this program because it is mutually beneficial.

Comment: How should State agencies handle complaints that delays attributed to these regulations are a hardship?

Response: This should not be an issue. Any delays caused by evidence verification would occur regardless of which agency handles the SSN card application. The process should actually benefit SSN card applicants because they can take care of both needs in a single visit to the State welfare office.

Comment: The former provision for providing a temporary SSN card should be retained in § 422.103(c) of the regulations and the term "reasonable time" in § 422.103(d) should be defined to ensure that an SSN card is available to a legalized alien at the same time that INS makes form I–688 (temporary residence card) available to him or her.

Response: The term "temporary card" referred to the SSA–5028 (Receipt for Application for a Social Security Number) which is a receipt to show that someone has applied for a card. Although this term has been deleted, § 422.103(c) still provides for the receipt process and states that "If the applicant requests evidence to show that he or she has filed an application for a Social Security number card, a receipt or equivalent document may be furnished." We changed the language of the regulation to reflect both our current process, which is to issue the manually completed SSA–5028 document or the SSA–2853 that is issued during the enumeration-at-birth process, and the process we may use in the future to issue electronically produced documents.

We have not defined the term "reasonable time" because the amount of time it will take us to issue an SSN card will vary according to the situation. In situations where INS accepts an application for an SSN card from an alien and sends the application to us pursuant to § 422.106(b), INS will generally receive the SSN card in about 2 weeks. Thus, the SSN card should be available when INS issues the I–688. Any delays in this process are usually caused because the electronic system we use rejected the application data sent to us by INS, requiring further investigation about the data, and the applicant either does not cooperate in providing the additional data we need, or does not respond timely to attempts to contact him or her about the matter.

Comment: The cross-reference in 20 CFR 422.105 should be 8 CFR 274a.12.

Response: We have made this correction.

Comment: The regulations should contain a statement that, under the limitation of section 245A(c)(5) of the Immigration and Nationality Act, as amended by section 201 of IRCA, SSA will not use the information given by the alien in connection with the legalization process for any purpose other than processing the form SS–5.

Response: Section 245A(c)(5) of the Immigration and Nationality Act directs the Attorney General and the Department of Justice not to use information provided pursuant to an application for legalization for any purpose other than to make a determination on such application. Regulatory authority for this provision lies with the Attorney General, not the Secretary of Health and Human Services. However, we will continue our efforts to assure that information we receive will not be disclosed in a manner contrary to applicable law.

Comment: Many aliens are not able to submit a birth record as evidence of age. Therefore, a document issued in accordance with INS regulations should be acceptable evidence of age.

Response: INS records are one of many alternative evidence documents which can be used for evidence of age when other preferred documents are not available. We have added a cross-reference to § 404.716, which provides a more extensive list of acceptable evidence of age.

Comment: Since many aliens do not have the identity documents listed in § 422.107(c) of the regulations, immigration documents should be acceptable evidence of identity for persons age 7 or older.

Response: We have added INS documents to the list of acceptable evidence of identity so that there is no doubt that such documents are acceptable.

Comment: Proposed § 422.107(e) states that our records may be annotated to show that an alien's authorizaton to work is temporary or subject to termination by INS. The commenter assumes that only SSA records will be annotated since annotations to the SSN card could result in frequent replacements. Another commenter suggests that we annotate SSN cards to reflect restricted employment authorization.

Response: Under current procedure, the assumption is correct. However, if Congress specifically provides funds for a project authorized under IRCA and recommended by the General Accounting Office, we plan to annotate certain SSN cards with a legend, indicating that the cards can be used only for work purposes with INS documents showing authorization to work. As required under IRCA, notice of any new legend will be published in the **Federal Register** and the new legend will not be used unless and until Congress provides funding for this change.

Comment: Proposed § 422.107(e) also states that we may annotate the record with other remarks. The commenter believes that this could extend to annotations on race, national origin, and other items irrelevant to assigning SSNs.

Response: This provision was added to the regulations to allow for any expanded documentation that may be needed in the future. We have not deleted the provision, since any future documentations we may make will be made only to the extent that they are consistent with applicable law.

Comment: The provision in § 422.107(e) that SSA may notify INS if earnings are reported for an alien whose work authorization has been terminated raises some concerns about the confidentiality provisions of IRCA and could lead to deportation proceedings. Therefore, legalized aliens should be expected from this policy.

Response: If an alien is legalized, there would be no reason to report his or her earnings to INS because the alien would have work authorization. We are retaining this provision because we could become aware of unauthorized work as a result of investigations not connected with IRCA.

Comment: If SSA does not issue an SSN card, the applicant should be notified in writing of the reasons for our action and advised that he or she may request formal administrative review of our action.

Response: Most of the time, nonissuance of an SSN card is the result of the applicant's failure to present the necessary evidence because he or she was unaware of the requirements. Our current policy is that we provide an applicant who is not issued an SSN card with either an oral or a written explanation of our action via form SSA L–676. Whether the explanation is done orally or in writing, we tell these applicants what additional evidence we need to issue an SSN card. Because the applicant can submit this additional evidence at any time at any SSA office and obtain an SSN card, we believe that there is no need for the applicant to submit a formal written request for administrative review. We are, however, implementing new procedures in this Department's Region V (Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin) which may subsequently be applied nationwide. Under the new procedures, whenever SSA is unable to assign an SSN, the applicant will receive a written notice explaining why a number could not be assigned, what additional evidence is required, and that a review of the evidence submitted may be requested.

Comment: The term "Subject to termination" in the proposed § 422.107(e) should be defined.

Response: We do not believe such a definition is necessary in these regulations because we rely on INS to determine when work authorization is temporary or subject to termination.

Comment: Because of the confidentiality provisions of IRCA, the regulations must describe the precise situations in which SSA will notify INS of earnings posted to Social Security accounts.

Response: We believe that § 422.107 provides this information and explains that the information we report to INS concerns aliens who were issued SSN cards for a nonwork purpose and those whose work authorization has expired.

Comment: The Internal Revenue Service (IRS) instructed illegal aliens, who are subject to Federal taxes, how to complete the space for an SSN on tax returns. Similar information should be in SSA's regulations, as should legal procedures which discourage illegal use of SSNs.

Response: We believe that § 422.107(e) goes far enough by providing that we will not issue an SSN card if the alien does not submit adequate documentation. Since IRS provides sufficient instructions to aliens about reporting their SSNs for tax purposes, placing such information in SSA regulations is unnecessary and inappropriate.

Comment: SSA should improve the durability of SSN cards by laminating them or otherwise making them more durable and waterproof.

Response: We believe that with reasonable care the current SSN card is very durable. This is evidenced by the fact that in most years most of the requests we receive for replacement cards are beause of name changes. We do not laminate cards because they contain certain security features which could not be detected satisfactorily under lamination. In accordance with section 205(c)(2)(F) of the Act, SSN cards are now made of banknote paper and, to the maximum extent practicable, they are made in a way that they cannot be counterfeited.

Comment: If a resident alien can apply for an SSN card for a non-resident dependent, it would be helpful for the regulations to specify the correct procedure, including a statement of

whether a personal interview is required.

Response: It is our policy that a U.S. resident may apply on behalf of a non-resident dependent who needs an SSN (*e.g.*, for tax purposes), except that an individual must apply for himself or herself when a personal interview is required. We have amended § 422.103(b) to reflect this policy.

Comment: Legalization applicants who cannot present a Form I–688A or other acceptable evidence of alien status as listed in SSA instructions are denied SSN cards and told to return to INS for proper identification. SSA should verify the validity of any document issued by INS and issue the alien a temporary card (receipt).

Response: Legalization applicants who have not received their form I–688A should have an I–689. If the I–689 authorizes work and the alien provides us with the other required evidence of age and identity, we will process an application for an SSN card. Our operating instructions concerning acceptable documents are based on INS guidelines. Whenever that agency's central office advises us that other documents are being issued, we revise our instructions. If an applicant gives us INS documents we are not familiar with, we refer the applicant back to that agency for additional documentation.

Comment: After INS has revised its regulations on the status of B–1 nonimmigrants (22 CFR 41.25), SSA should amend its operating instructions to permit issuance of unrestricted SSN cards to ministers who are not authorized to work but who are authorized to receive contributions for their support.

Response: SSA's instructions concerning acceptable evidence of employment authorization for unrestricted SSN cards are based on INS guidelines. That agency recently informed us that we could issue unrestricted cards to certain B–1 visa holders (personal and domestic employees and foreign airline employees), and we incorporated that change into our instructions. If that agency provides similar guidelines for ministers who are B–1 visa holders, we will revise our instructions accordingly.

Comment: The proposed regulation allows State employees to process SSN applications from welfare recipients. However, staff shortages and increased workloads make participation in the SSN application process impractical in some States unless Federal and State money is provided.

Response: Some States do not process SSN applications. These States refer clients to a Social Security office. Those States that do process SSN applications do so voluntarily because it is an advantageous procedure for administering the State's programs.

Comment: There is no need for a regulation on the role of the State in processing applications for SSNs from welfare recipients because SSA has terminated these agreements.

Response: SSA and some States have terminated their welfare enumeration agreement which authorized the State to accept and certify applications for SSNs. However, such agreements have not been terminated with all States.

Except as indicated above in our responses to the comments on the proposed rules, we are publishing the proposed rules essentially unchanged as final regulations.

Regulatory Procedures

Executive Order No. 12291

The Secretary has determined that this is not a major rule under Executive Order 12291 because the regulations do not meet any of the threshold criteria for a major rule. These changes are expected to save the Federal Government $7 million each year. Therefore, a regulatory impact analysis is not required.

Regulatory Flexibility Act

We certify that these regulations will not have a significant economic impact on a substantial number of small entities because they affect only the issuing of SSN cards to individuals. Therefore, a regulatory flexibility analysis as provided in Public Law 96–354, the Regulatory Flexibility Act, is not required.

Paperwork Reduction Act

These regulations contain reporting requirements in §§ 422.107 and 422.110. However, the Office of Management and Budget (OMB) approval of these regulations has already been obtained. The OMB approval number is 0960–0066.

(Catalog of Federal Domestic Assistance Program Nos. 13.802 Social Security-Disability Insurance; 13.803 Social Security-Retirement Insurance; 13–805, Social Security-Survivors Insurance)

List of Subjects in 20 CFR Part 422

Administrative practice and procedure; Freedom of information; Organization and functions (Government agencies); Social Security.

Dated: August 16, 1990.

Gwendolyn S. King,

Commissioner of Social Security.

Approved: October 18, 1990.

Louis W. Sullivan,

Secretary of Health and Human Services.

For the reasons set out in the preamble, subpart B of part 422 of 20 CFR chapter III is amended as follows.

PART 422—ORGANIZATION AND PROCEDURES

1. An authority citation for subpart B is added to read as follows:

Authority: Sections 205 and 1102, Social Security Act (42 U.S.C. 405 and 1302).

2. Section 422.103 is revised to read as follows:

§ 422.103 Social security numbers.

(2) *General.* The Social Security Administration (SSA) maintains a record of the earnings reported for each individual assigned a social security number. The individual's name and social security number identify the record so that the wages or self-employment income reported for or by the individual can be properly posted to the individual's record. Additional procedures concerning social security numbers may be found in Internal Revenue Service, Department of the Treasury regulation 26 CFR 31.6011(b)–2.

(b) *Applying for a number*—(1) *Form SS–5.* An individual needing a social security number may apply for one by filing a signed form SS–5, "Application for A Social Security Number Card," at any social security office and submitting the required evidence. Upon request, the social security office may distribute a quantity of form SS–5 applications to labor unions, employers, or other representative organizations. An individual outside the United States may apply for a social security number card at the Department of Veterans Affairs Regional Office, Manila, Philippines, at any U.S. foreign service post, or at a U.S. military post outside the United States. (*See* § 422.106 for special procedures for filing applications with other government agencies.) Additionally, a U.S. resident may apply for a social security number for a nonresident dependent when the number is necessary for U.S. tax purposes or some other valid reason, the evidence requirements of § 422.107 are met, and we determine that a personal interview with the dependent is not required. Form SS–5 may be obtained at:

(i) Any local social security office;

(ii) The Social Security Administration, 300 N. Greene Street, Baltimore, MD 21201;

(iii) Offices of District Directors of Internal Revenue;

(iv) U.S. Postal Service offices (except the main office in cities having a social security office);

(v) U.S. Employment Service offices in cities which do not have a social security office;

(vi) The Department of Veterans Affairs Regional Office, Manila, Philippines;

(vii) Any U.S. foreign service post; and

(viii) U.S. military posts outside the U.S.

(2) *Birth registration document.* SSA may enter into an agreement with officials of a State, including, for this purpose, the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, and New York City, to establish, as part of the official birth registration process, a procedure to assist SSA in assigning social security numbers to newborn children. Where an agreement is in effect, a parent, as part of the official birth registration process, need not complete a form SS–5 and may request that SSA assign a social security number to the newborn child.

(c) *How numbers are assigned*—(1) *Request on form SS–5.* If the applicant has completed a form SS–5, the social security office, the Department of Veterans Affairs Regional Office, Manila, Philippines, the U.S. foreign service post, or the U.S. military post outside the United States that receives the completed form SS–5 will require the applicant to furnish documentary evidence, as necessary, to assist SSA in establishing the age, U.S. citizenship or alien status, true identity, and previously assigned social security number(s), if any, of the applicant. A personal interview may be required of the applicant. (See § 422.107 for evidence requirements.) After review of the documentary evidence, the completed form SS–5 is forwarded or data from the SS–5 is transmitted to SSA's central office in Baltimore, Md., where the data is electronically screened against SSA's files. If the applicant requests evidence to show that he or she has filed an application for a social security number card, a receipt or equivalent document may be furnished. If the electronic screening or other investigation does not disclose a previously assigned number, SSA's central office assigns a number and issues a social security number card. If investigation discloses a previously assigned number for the applicant, a duplicate social security number card is issued.

(2) *Request on birth registration document.* Where a parent has requested a social security number for a newborn child as part of an official birth registration process described in paragraph (b)(2) of this section, the State vital statistics office will electronically transmit the request to SSA's central office in Baltimore, MD, along with the child's name, date and place of birth, sex, mother's maiden name, father's name (if shown on the birth registration), address of the mother, and birth certificate number. This birth registration information received by SSA from the State vital statistics office will be used to establish the age, identity, and U.S. citizenship of the newborn child. Using this information, SSA will assign a number to the child and send the social security number card to the child at the mother's address.

(d) *Social security number cards.* A person who is assigned a social security number will receive a social security number card from SSA within a reasonable time after the number has been assigned. (See § 422.104 regarding the assignment of social security number cards to aliens.) Social security number cards are the property of SSA and must be returned upon request.

(e) *Replacement of social security number card.* In case of loss of or damage to the social security number card, a duplicate card bearing the same number may be issued. (See § 422.107 for evidence requirements.)

§ 422.105 [Amended]

3. Section 422.105 is amended by changing the cross-reference from 22 CFR 41.12 to 8 CFR 274a.12.

4. Section 422.106 is revised to read as follows:

§ 422.106 Filing applications with other government agencies.

(a) *Agreements.* In carrying out its responsibilities to assign social security numbers, SSA enters into agreements with the United States Attorney General and other Federal officials, and with State and local welfare agencies and school authorities. Examples of these agreements are discussed in paragraphs (b) and (c) of this section.

(b) *Immigration and Naturalization Service.* In connection with the legalization procedures established pursuant to the Immigration Reform and Control Act of 1986, the Immigration and Naturalization Service may accept an application for a social security number card from an alien. Immigration and Naturalization Service employees who accept such applications are authorized to certify that they have reviewed the evidence required to be submitted in support of the application. The employees will verify age, identity, alien status and work authorization of the applicants, and obtain evidence to assist SSA in determining the existence of any previously assigned social security number. The Immigration and Naturalization Service will then send the application to SSA for the issuance of a social security number card.

(c) *States.* SSA and a State may enter into an agreement that authorizes employees of a State or one of its subdivisions to accept social security number card applications from some individuals who apply for or are receiving welfare benefits under a State-administered Federal program. Under such an agreement, a State employee is also authorized to certify the application to show that he or she has reviewed the required evidence of the applicant's age, identity, and U.S. citizenship. The employee is also authorized to obtain evidence to assist SSA in determining whether the applicant has previously been assigned a number. The employee will then send the application to SSA which will issue a social security number card.

5. Section 422.107 is revised to read as follows:

§ 422.107 Evidence requirements.

(a) *General.* An applicant for an original social security number card must submit documentary evidence which the Secretary of Health and Human Services regards as convincing evidence of age, U.S. citizenship or alien status, and true identity. An applicant for a duplicate or corrected social security number card must submit convincing documentary evidence of identity and may also be required to submit convincing documentary evidence of age and U.S. citizenship or alien status. An applicant for an original, duplicate, or corrected social security number card is also required to submit evidence to assist the SSA in determining the existence and identity of any previously assigned number(s). A social security number will not be assigned, or an original, duplicate, or corrected card issued, unless all the evidence requirements are met. An in-person interview is required of all applicants of age 18 or older who apply for an original social security number. An in-person interview may also be required of other applicants. All documents submitted as evidence must be originals or certified copies of the original documents and are subject to verification with the custodians of the original records.

(b) *Evidence of age.* An applicant for an original social security number is required to submit convincing evidence of age. An applicant for a duplicate or corrected social security number card may also be required to submit evidence of age. Examples of the types of evidence which may be sumitted are a birth certificate, a religious record showing age or date of birth, a hospital record of birth, or a passport. (*See* § 404.716.)

(c) *Evidence of identity.* An applicant for an original social security number or a duplicate or corrected social security number card is required to submit convincing documentary evidence of identity. Documentary evidence of identity may consist of a driver's license, identity card, school record, medical record, marriage record, passport, Immigration and Naturalization Service document, or other similar document serving to identify the individual. It is preferable that the document contain the applicant's signature for comparison with his or her signature on the application for a social security number. A birth record is not sufficient evidence to establish identity. Where the applicant is a child under 7 years of age applying for an original social security number card and there is no documentary evidence of identity available, the requirement for evidence of identity will be waived if there is no reason to doubt the validity of the birth record, the social security number application, and the existence of the individual.

(d) *Evidence of U.S. citizenship.* Generally, an applicant for an original, duplicate, or corrected social security number card may prove that he or she is a U.S. citizen by birth by submitting a birth certificate or other evidence, as described in paragraphs (b) and (c) of this section, that shows a U.S. place of birth. Where a foreign-born applicant claims U.S. citizenship, the applicant for a social security number or a duplicate or corrected social security number card is required to present documentary evidence of U.S. citizenship. If required evidence is not available, a social security number card will not be issued until satisfactory evidence of U.S. citizenship is furnished. Any of the following is generally acceptable evidence of U.S. citizenship for a foreign-born applicant:

(1) Certificate of naturalization;

(2) Certificate of citizenship;

(3) U.S. passport;

(4) U.S. citizen identification card issued by the Immigration and Naturalization Service;

(5) Consular report of birth (State Department form FS–240 or FS–545); or

(6) Other verification from the Immigration and Naturalization Service, U.S. Department of State, or Federal or State court records confirming citizenship.

(e) *Evidence of alien status.* When a person who is not a U.S. citizen applies for an original social security number or a duplicate or corrected social security number card, he or she is required to submit, as evidence of alien status, a current document issued by the Immigration and Naturalization Service in accordance with that agency's regulations. The document must show that the applicant has been lawfully admitted to the United States, either for permanent residence or under authority of law permitting him or her to work in the United States, or that the applicant's alien status has changed so that it is lawful for him or her to work. If the applicant fails to submit such a document, a social security number card will not be issued. If the applicant submits an unexpired Immigration and Naturalization Service document(s) which shows current authorization to work, a social security number will be assigned or verified and a card which can be used for work will be issued. If the authorization of the applicant to work is temporary or subject to termination by the Immigration and Naturalization Service, the SSA records may be so annotated. If the document(s) does not provide authorization to work and the applicant wants a social security number for a work purpose, no social security number will be assigned. If the applicant requests the number for a nonwork purpose, *e.g.*, an Internal Revenue Service purpose, the number may be assigned and the card issued will be marked with a nonwork legend. The SSA record will be annotated to show that a number has been assigned and a card issued for a nonwork purpose. In that case, if earnings are later reported to SSA, the Immigration and Naturalization Service will be notified of the report. SSA may also notify that agency if earnings are reported for a social security number that was valid for work when assigned but for which work authorization expired or was later terminated by the Immigration and Naturalization Service. SSA may also annotate the record with other remarks, if appropriate.

(f) *Failure to submit evidence.* If the applicant does not comply with a request for the required evidence or other information within a reasonable time, SSA may attempt another contact with the applicant. If there is still no response, a social security number card will not be issued.

(g) *Invalid or expired documents.* SSA will not issue an original, duplicate, or corrected social security number card when an applicant presents invalid or expired documents. Invalid documents are either forged documents that supposedly were issued by the custodian of the record, or properly issued documents that were improperly changed after they were issued. An expired document is one that was valid for only a limited time and that time has passed.

6. Section 422.110 is revised to read as follows:

§ 422.110 Individual's request for change in record.

Form SS–5 should be completed and signed by any person who wishes to change the name or other personal identifying information previously submitted in connection with an application for a social security number card. The person must prove his or her identity and may be required to provide other evidence. (*See* § 422.107 for evidence requirements.) Form SS–5 may be obtained from any local social security office or from one of the sources noted in § 422.103(b). The completed request for change in records may be submitted to any SSA office, or, if the individual is outside the U.S., to the Department of Veterans Affairs Regional Office, Manila, Philippines, or to any U.S. foreign service post or U.S. military post. If the request is for a change in name, a new social security number card with the new name and bearing the same number previously assigned will be issued to the person making the request.

§ 422.112 [Amended]

7. Section 422.112 is amended in paragraph (a) by changing "Secretary of Health, Education, and Welfare" to "SSA".

§§ 422.112, 422.115, and 422.120 [Amended]

8. In addition to the amendments and revisions set forth above, remove the words "Bureau of Data Processing and Accounts" and add in their place the words "Office of Central Records Operations" in the following places:

(a) Section 422.112(a);

(b) Section 422.115; and

(c) Section 422.120.

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