

(Catalog of Federal Domestic Assistance Number 59008).

**James E. Rivera,**

*Acting Associate Administrator for Disaster Assistance.*

[FR Doc. E8-339 Filed 1-10-08; 8:45 am]

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## SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA 2006-0096]

### **Social Security Ruling (SSR) 94-4p.; Rescission of SSR 94-4p, Policy Interpretation Ruling; Title II of the Social Security Act and Title IV of the Federal Mine Safety and Health Act of 1977: Waiver of Recovery of Overpayments—Notice of Appeal and Waiver Rights—Right to a Pre-Recoupment Oral Hearing Before Waiver Can Be Denied**

**AGENCY:** Social Security Administration.

**ACTION:** Notice of Rescission of SSR.

**SUMMARY:** In accordance with 20 CFR 402.35(b)(1), the Commissioner of Social Security gives notice of the rescission of SSR 94-4p.

**EFFECTIVE DATE:** January 11, 2008.

#### **FOR FURTHER INFORMATION CONTACT:**

Robin Strauss, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 252 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235-6401, (410) 965-7944 for information about this notice. For information on eligibility or filing for benefits, call our national toll-free number, 1-800-772-1213 or TTY 1-800-325-0778, or visit our Internet site, Social Security Online, at <http://www.socialsecurity.gov>.

**SUPPLEMENTARY INFORMATION:** SSRs make available to the public precedential decisions relating to the Federal old-age, survivors, disability and supplemental security income programs. SSRs may be based on case decisions made at all administrative levels of adjudication, Federal court decisions, Commissioner's decisions, opinions of the Office of the General Counsel, and other policy interpretations of the law and regulations.

On July 11, 1994, we issued SSR 94-4p which implemented the decisions in *Buffington, et al. v. Schweiker* and *Califano v. Yamasaki*, and provided that prior to the denial of waiver of recovery of an overpayment, SSA will conduct a face-to-face pre-recoupment hearing. SSR 94-4p stated our policy of:

- Giving adequate written notice of a determination of overpayment and the

right to contest such determination and request waiver of recovery of the overpayment; and

- Providing the person from whom we are seeking recovery of an overpayment with the opportunity for a face-to-face oral hearing before we deny a request for waiver of recovery of the overpayment.

In 1996, 20 CFR 404.502a incorporated the provision of giving adequate written notice of a determination of overpayment and the right to contest such determination and request waiver of recovery of the overpayment. The provision of giving the opportunity for a hearing before we deny a request for waiver of recovery of the overpayment was incorporated into 20 CFR 404.506(e)(1), which states that the individual is given the opportunity to "appear personally" at the personal conference. Current regulations do not further specify the method in which this appearance may be made. Although our policy has been to provide a face-to-face appearance at the field office, this is not always convenient for the beneficiary. Often, if a beneficiary is not able to come to the face-to-face conference, field office personnel will go to the person to hold the conference. Offering additional appearance options for the conference would improve service to the beneficiaries and reduce costly home visits by field personnel.

In order to fulfill our stewardship responsibilities to the Social Security trust fund, we must employ methods that will simplify our personal conference procedures and use our resources most efficiently. We should be using all available technology when we conduct personal conferences. Therefore, elsewhere in this **Federal Register**, we published the final rule "Methods for Conducting Personal Conferences When Waiver of Recovery of a Title II or Title XVI Overpayment Cannot Be Approved" which revised the regulations to allow for personal conferences to be conducted face-to-face at a place we designate (usually in the field office), by telephone, or by video teleconference. Consequently, SSR 94-4p is obsolete and rescinded as of February 11, 2008.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security—Disability Insurance; 96.002, Social Security—Retirement Insurance; 96.004, Social Security—Survivors Insurance; 17.307, Coal Mine Workers' Compensation)

Dated: November 30, 2007.

**Michael J. Astrue,**

*Commissioner of Social Security.*

[FR Doc. E8-313 Filed 1-10-08; 8:45 am]

BILLING CODE 4191-02-P

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### **Proposed Agency Information Collection Activities; Comment Request**

**AGENCY:** Federal Railroad Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 and its implementing regulations, the Federal Railroad Administration (FRA) hereby announces that it is seeking renewal of the following currently approved information collection activities. Before submitting these information collection requirements for clearance by the Office of Management and Budget (OMB), FRA is soliciting public comment on specific aspects of the activities identified below.

**DATES:** Comments must be received no later than March 11, 2008.

**ADDRESSES:** Submit written comments on any or all of the following proposed activities by mail to either: Mr. Robert Brogan, Office of Safety, Planning and Evaluation Division, RRS-21, Federal Railroad Administration, 1200 New Jersey Avenue, SE., Mail Stop 25, Washington, DC 20590, or Ms. Gina Christodoulou, Office of Support Systems Staff, RAD-43, Federal Railroad Administration, 1200 New Jersey Avenue, SE., Mail Stop 35, Washington, DC 20590. Commenters requesting FRA to acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating, "Comments on OMB control number 2130-0566." Alternatively, comments may be transmitted via facsimile to (202) 493-6216 or (202) 493-6479, or via E-mail to Mr. Brogan at [robert.brogan@dot.gov](mailto:robert.brogan@dot.gov), or to Ms. Christodoulou at [gina.christodoulou@dot.gov](mailto:gina.christodoulou@dot.gov). Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS-21, Federal Railroad Administration, 1200 New Jersey Avenue, SE., Mail Stop 25, Washington, DC 20590 (telephone: (202) 493-6292) or Gina Christodoulou, Office of Support Systems Staff, RAD-43, Federal Railroad Administration, 1200 New Jersey Avenue, SE., Mail Stop 35, Washington, DC 20590 (telephone: (202)

493–6139). (These telephone numbers are not toll-free.)

**SUPPLEMENTARY INFORMATION:** The Paperwork Reduction Act of 1995 (PRA), Pub. L. No. 104–13, § 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR Part 1320, require Federal agencies to provide 60-days notice to the public for comment on information collection activities before seeking approval for reinstatement or renewal by OMB, 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). Specifically, FRA invites interested respondents to comment on the following summary of proposed information collection activities regarding (i) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (ii) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (iii) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (iv) ways for FRA to

minimize the burden of information collection activities on the public by automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses). *See* 44 U.S.C. § 3506(c)(2)(A)(I)–(iv); 5 CFR 1320.8(d)(1)(I)–(iv). FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information mandated by Federal regulations. In summary, FRA reasons that comments received will advance three objectives: (i) Reduce reporting burdens; (ii) ensure that it organizes information collection requirements in a “user friendly” format to improve the use of such information; and (iii) accurately assess the resources expended to retrieve and produce information requested. *See* 44 U.S.C. 3501.

Below is a brief summary of the currently approved information collection activities that FRA will submit for clearance by OMB as required under the PRA:

*Title:* Reflectorization of Freight Rolling Stock.

*OMB Control Number:* 2130–0566.

*Abstract:* The Federal Railroad Administration (FRA) issued this regulation to mandate the reflectorization of freight rolling stock (freight cars and locomotives) to enhance the visibility of trains in order to reduce the number and severity of accidents at highway-rail grade crossings in which train visibility acted as a contributing factor. The information collected is used by FRA to ensure that railroads/car owners follow the schedule established by the regulation for placing retro-reflective material on the sides of freight rolling stock (freight cars and locomotives) in order to improve the visibility of trains. The information collected is also used by FRA to confirm that railroads/car owners meet the prescribed standards for the application, inspection, and maintenance of the required retro-reflective material.

*Form Number(s):* FRA F 6180.113.

*Affected Public:* Businesses.

*Respondent Universe:* 685 railroads.

*Frequency of Submission:* On occasion; annually.

#### REPORTING BURDEN

CFR section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours	Total annual burden cost
224.7—Waivers .....	685 Railroads/Car Owners.	10 petitions .....	1 hour .....	20	\$740
224.15—Special Approval Procedures—Petitions.	3 Manufacturers .....	10 petitions .....	40 hours .....	400	20,560
—Public Comment .....	3 Manufacturers/Railroads.	5 comments .....	1 hour .....	5	185
224.107—Implementation Schedule: Freight Cars					
—Existing Freight Cars w/o retroreflective sheeting.	685 Railroads/Car Owners.	400 reports .....	15 minutes .....	100	3,700
—Updated Reflectorization Implementation Plans.	685 Railroads/Car Owners.	400 reports .....	20 hours .....	8,000	296,000
—Failure Reports .....	685 Railroads/Car Owners.	5 Failure Rpts .....	2 hours .....	10	370
II. Existing Cars with Retroreflective Sheeting (b). Locomotives.	685 Railroads/Car Owners.	172 reports .....	20 hours .....	3,440	127,280
—Existing Locomotives w/o Retroreflective Sheeting.	685 Railroads/Car Owners.	35 reports/forms .....	15 minutes .....	9	333
—Updated Reflectorization Implementation Plans.	685 Railroads/Car Owners.	35 reports/forms .....	3 hours .....	105	3,885
—Failure Reports .....	685 Railroads/Car Owners.	1 Failure Report .....	2 hours .....	2	74
II. Existing Locomotives with Retroreflective Sheeting.	685 Railroads/Car Owners.	617 reports .....	4 hours .....	2,468	91,316
224.109—Inspection, Repair, Replacement—Fr. Cars.	AAR + 300 Car Shops.	240,000 Notific .....	10 minutes .....	40,000	1,560,000
—Locomotives: Records of Restriction.	22,800 Locomotives	4,560 records .....	3 minutes .....	228	10,488

*Total Responses:* 246,250.

*Estimated Total Annual Burden:* 54,787 Hours.

*Status:* Regular Review.

Pursuant to 44 U.S.C. 3507(a) and 5 CFR 1320.5(b), 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a

respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**Authority:** 44 U.S.C. 3501–3520.

Issued in Washington, DC, on January 4, 2008.

**D.J. Stadler,**

*Director, Office of Financial Management,  
Federal Railroad Administration.*

[FR Doc. E8–295 Filed 1–10–08; 8:45 am]

**BILLING CODE 4910–06–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a temporary waiver of compliance from certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

#### Ohio Central Railroad System

[Docket Number FRA–2006–26177]

The Ohio Central Railroad System (OCRS) has submitted a temporary waiver petition to support field testing of its processor-based train control system, identified as the OCRS Positive Train Control (OCRS PTC), pursuant to sections 211.7 and 211.51.

An informational filing, as required under Part 236, Subpart H, has also been prepared and submitted in conjunction with this waiver petition, and can be found in the same docket as this waiver petition (FRA–2006–26177).

The OCRS PTC system is designed to prevent authority limit and overspeed violations in nonsignaled Track Warrant Control territory, and to prevent equipped trains from entering, without authorization, the limits of on-track authority granted to employees.

OCRS desires to commence field testing of the OCRS PTC system in the 4th quarter of 2007, or as soon as practicable thereafter, contingent upon FRA's acceptance and approval of the informational filing and waiver petition. OCRS intends to test and develop the OCRS PTC system on its C&N Subdivision between Columbus and Newark, OH. During this initial test phase, however, OCRS does not intend to activate the OCRS PTC system's locomotive enforcement functionality.

OCRS is seeking regulatory relief for development testing and demonstration purposes only. Specifically, OCRS is requesting regulatory relief from the following FRA requirements:

- Section 216.13 (Special Notice for Repairs—Locomotive),
- Section 217.9 (Program of Operational Tests and Inspections—Recordkeeping),
- Section 217.11 (Program of Instruction on Operating Rules—Recordkeeping, Electronic Recordkeeping),
- Part 218, Subpart D (Prohibition Against Tampering with Safety Devices),
- Section 220.7 (Railroad Communications—Penalty),
- Section 220.29 (Statement of Letters and Numbers in Radio Communications),
- Section 220.37 (Testing Radio and Wireless Communication Equipment),
- Section 220.61 (Radio Transmission of Mandatory Directives),
- Section 229.7 (Prohibited Acts),
- Section 235.5 (Changes Requiring Filing of Application),
- Section 240.127 (Criteria for Examining Skill Performance), and
- Section 240.129 (Criteria for Monitoring Operational Performance of Certified Engineers).

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g. Waiver Petition Docket Number FRA–2006–26177) and may be submitted using one of the following methods:

- **Web site:** <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- **Fax:** 202–493–2251.
- **Mail:** Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Room W12–140, Washington, DC 20590.
- **Hand Delivery:** 1200 New Jersey Avenue, SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received within 30 days of the date of this notice will be considered by FRA before final action being taken. Comments received after this date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the

above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://www.regulations.gov>.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

Issued in Washington, DC, on January 4, 2008.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

[FR Doc. E8–312 Filed 1–10–08; 8:45 am]

**BILLING CODE 4910–06–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for Waiver of Compliance

In accordance with Part 229 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its Railroad Locomotive Safety Standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

#### (WATCO Companies, Inc.)

[Docket Number FRA–2007–27969]

The WATCO Companies, Inc. (WATCO) seeks a waiver to comply with the requirements in 49 CFR 229.137(b)(iv), which would allow the toilets to be removed from those newly acquired locomotives, which came equipped with sanitation compartments. The total number of these newly acquired locomotives is 53, which were purchased from the after market and only a portion of these locomotives contained sanitation compartments. These locomotives have now been disbursed around the WATCO railroads mixed in with the existing locomotives that are not equipped with sanitation compartments.

WATCO is comprised of the following railroads: Alabama Southern Railroad, Arkansas Southern Railroad, Eastern Idaho Railroad, Great Northern Railroad,