

by the Social Security Administration to determine student status of the children of coal miners or their widows or brothers of deceased coal miners eligible for black lung benefits.

*Number of Respondents:* 4,340

*Frequency of Response:* 1

*Average Burden Per Response:* 10 minutes

*Estimated Annual Burden:* 723 hours

10. Summary of Evidence—0960–0430. The information on form SSA–887 is used to provide a list of the medical/vocational reports pertaining to the claimant's disability. The list is used in and critical to the hearings process. The respondents are State and Disability Determination staff.

*Number of Respondents:* 22,024

*Frequency of Response:* 1

*Average Burden Per Response:* 15 minutes

*Estimated Annual Burden:* 5,506 hours

11. Request For Change In Time/Place of Disability Hearing—0960–0348. The information on form SSA–769 is used to provide claimants a structured format for exercising their right to request a change in the time or place of a scheduled disability hearing. The information will be used as a basis for granting or denying requests for changes and for rescheduling hearings. The affected public is comprised of claimants who wish to request a change in the time or place.

*Number of Respondents:* 7,483

*Frequency of Response:* 1

*Average Burden Per Response:* 8 minutes

*Estimated Annual Burden:* 998 hours

12. Time Report of Personnel Services for Disability Determination Services—0960–0408. The information on form SSA–4514 is used by the Social Security Administration (SSA) for budgeting and accounting for the funds used by State Agencies for personnel involved in making disability determinations for SSA. The affected public consists of State Agencies which make those determinations.

*Number of Respondents:* 54

*Frequency of Response:* Quarterly

*Average Burden Per Response:* 30 minutes

*Estimated Annual Burden:* 108 hours

13. Payment of Certain Travel Expenses—0960–0504. The information required by 20 CFR 404.999(d) and 20 CFR 416.1499 is used by the Social Security Administration to reimburse a claimant who has been required to travel over 75 miles to appear at a medical examination or disability hearing. The affected public is comprised of claimants required to

travel more than 75 miles in order to attend a medical examination or a disability hearing.

*Number of Respondents:* 50,000

*Frequency of Response:* 1

*Average Burden Per Response:* 10 minutes

*Estimated Annual Burden:* 8,333 hours

14. Request for Reconsideration—Disability Cessation—0960–0504. The information on form SSA–789 is used by the Social Security Administration to schedule hearings and to develop additional evidence for individuals who have received an initial or revised determination that their disability ceased, did not exist, or is no longer disabling. The respondents are disability beneficiaries who file a claim for reconsideration.

*Number of Respondents:* 15,015

*Frequency of Response:* 1

*Average Burden Per Response:* 12

*Estimated Annual Burden:* 3,003

OMB Desk Officer: Laura Oliven.

Written comments and recommendations regarding these information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: Office of Management and Budget, OIRA, New Executive Office Building, Room 10230, Washington, D.C. 20503.

Dated: July 7, 1995.

**Charlotte Whitenight,**

*Reports Clearance Officer, Social Security Administration.*

[FR Doc. 95–17305 Filed 7–13–95; 8:45 am]

BILLING CODE 4190–29–P

**Rescission of Social Security Acquiescence Rulings 86-6(3), 86-7(5), 86-8(6), 86-9(9), 86-10(10), 86-11(11) and 93-6(8)**

**AGENCY:** Social Security Administration.

**ACTION:** Notice of rescission of Social Security Acquiescence Rulings 86-6(3)—*Aubrey v. Richardson*, 462 F.2d 782 (3d Cir. 1972); *Shelnutt v. Heckler*, 723 F.2d 1131 (3d Cir. 1983); 86-7(5)—*Autrey v. Harris*, 639 F.2d 1233 (5th Cir. 1981); *Wages v. Schweiker*, 659 F.2d 59 (5th Cir. 1981); 86-8(6)—*Johnson v. Califano*, 607 F.2d 1178 (6th Cir. 1979); 86-9(9)—*Secretary of Health, Education and Welfare v. Meza*, 368 F.2d 389 (9th Cir. 1966); *Gardner v. Wilcox*, 370 F.2d 492 (9th Cir. 1966); 86-10(10)—*Edwards v. Califano*, 619 F.2d 865 (10th Cir. 1980); 86-11(11)—*Autrey v. Harris*, 639 F.2d 1233 (5th Cir. 1981); and 93-6(8)—*Brewster on Behalf of Keller v. Sullivan*, 972 F.2d 898 (8th Cir. 1992).

**SUMMARY:** In accordance with 20 CFR 404.985(e) and 422.406(b)(2), the

Commissioner of Social Security gives notice of the rescission of Social Security Acquiescence Rulings 86-6(3), 86-7(5), 86-8(6), 86-9(9), 86-10(10), 86-11(11) and 93-6(8).

**EFFECTIVE DATE:** July 14, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Gary Sargent, Litigation Staff, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965-1695.

**SUPPLEMENTARY INFORMATION:** A Social Security Acquiescence Ruling explains how we will apply a holding in a decision of a United States Court of Appeals that we determine conflicts with our interpretation of a provision of the Social Security Act or regulations when the Government has decided not to seek further review of the case or is unsuccessful on further review.

As provided by 20 CFR 404.985(e)(4), a Social Security Acquiescence Ruling may be rescinded as obsolete if we subsequently clarify, modify or revoke the regulation or ruling that was the subject of the circuit court holding for which the Acquiescence Ruling was issued.

On April 2, 1986, we issued Acquiescence Rulings 86-6(3), 86-7(5), 86-8(6), 86-9(9), 86-10(10) and 86-11(11) to reflect the respective holdings in *Aubrey v. Richardson*, 462 F.2d 782 (3d Cir. 1972), *Shelnutt v. Heckler*, 723 F.2d 1131 (3d Cir. 1983); *Autrey v. Harris*, 639 F.2d 1233 (5th Cir. 1981), *Wages v. Schweiker*, 659 F.2d 59 (5th Cir. 1981); *Johnson v. Califano*, 607 F.2d 1178 (6th Cir. 1979); *Secretary of Health, Education and Welfare v. Meza*, 368 F.2d 389 (9th Cir. 1966), *Gardner v. Wilcox*, 370 F.2d 492 (9th Cir. 1966); *Edwards v. Califano*, 619 F.2d 865 (10th Cir. 1980); *Autrey v. Harris*, 639 F.2d 1233 (5th Cir. 1981). On August 16, 1993, we issued AR 93-6(8) to reflect the holding in *Brewster on Behalf of Keller v. Sullivan*, 972 F.2d 898 (8th Cir. 1992). These circuit court holdings provided that, under regulation 20 CFR 404.721(b), the presumption of death arises when a claimant shows that an individual has been absent from his or her residence and not heard from for seven years. Furthermore, the holdings provided that, once the claimant has made a showing establishing the presumption, the Social Security Administration (SSA)<sup>1</sup> has the burden of

<sup>1</sup> Under the Social Security Independence and Program Improvements Act of 1994, Pub. L. No. 103-296, effective March 31, 1995, the Social Security Administration (SSA) became an independent Agency in the Executive Branch of the United States Government and was provided ultimate responsibility for administering the Social

rebutting the presumption of death either by presenting evidence that the missing individual is still alive or by providing an explanation to account for the individual's absence in a manner consistent with continued life rather than death.

On April 17, 1995, we published our final regulation (60 FR 19163), revising section 404.721(b) of Social Security Regulations No. 4 (20 CFR 404.721(b)), to provide that the presumption of death arises when a claimant establishes that an individual has been absent from his or her residence and not heard from for seven years. Once the presumption arises, the burden then shifts to SSA to rebut the presumption either by presenting evidence that the missing individual is still alive or by providing an explanation to account for the individual's absence in a manner consistent with continued life rather than death.

Because the change in the regulation adopts the holdings of the Third, Fifth, Sixth, Eighth, Ninth, Tenth and Eleventh Circuits on a nationwide basis, we are rescinding Acquiescence Rulings 86-6(3), 86-7(5), 86-8(6), 86-9(9), 86-10(10), 86-11(11) and 93-6(8).

(Catalog of Federal Domestic Assistance Programs Nos. 96.001 Social Security - Disability Insurance; 96.002 Social Security - Retirement Insurance; 96.004 Social Security - Survivors Insurance.)

Dated: July 5, 1995.

**Shirley S. Chater,**

*Commissioner of Social Security.*

[FR Doc. 95-17306 Filed 7-13-95; 8:45 am]

BILLING CODE 4190-29-F

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for a Waiver of Compliance

In accordance with 49 CFR 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance with certain requirements of the Federal safety laws and regulations. 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.

Security programs under title II of the Act. Prior to March 31, 1995, the Secretary of Health and Human Services had such responsibility.

### Union Pacific Railroad (UP)

#### Docket Number LI-95-15

The UP is seeking a waiver of compliance from certain sections of the Railroad Locomotive Safety Standards, 49 CFR Part 229. The UP request is for a temporary waiver of the reporting requirements of § 229.21(a), Daily Inspection, which requires that each locomotive in use must be inspected at least once during each calendar day. A written report of the inspection shall be made. The report shall contain the name of the carrier, the initial and number of the locomotive, the place, date and time of the inspection, a description of the noncomplying condition disclosed by the inspection, and the signature of the employee making the inspection. Any conditions that constitute noncompliance with any requirements with Part 229 shall be repaired before the locomotive is used and the person making the repairs shall sign the report. The report shall be filed and retained for at least 92 days in the office of the carrier at the terminal at which the locomotive is cared for.

The waiver would be for a six month period on a limited portion of the UP railroad to permit relief from the requirements that reports of the locomotive daily inspections be in (1) paper form (UPRR Form 25005), (2) signed by the person performing the inspections and (3) signed by the person performing the repairs when applicable. The UP proposes to enter and store the reports in a computerized system utilizing electronic signatures. The project would be on the UP railroad in the States of Oregon (OR) and Washington (WA) bound by Hinkle, OR, Spokane, WA, Albina (Portland), OR, and Seattle, WA.

The locomotive inspection reports would be entered into a computer by the personnel involved in the inspections and repairs using an electronic signature. Each employee subject to making entries into this electronic system would be required to LOGON in the computer with a unique User ID and Password known only to that employee. The UP states that the computer program would record the User ID and name of the employee for future reference should it be needed. Also, another advantage of this process is that the daily inspection records would be stored in the computer for the 92-day period required by the regulation. The computer stored records could be readily recalled at any location on the UP for inspection by FRA personnel. A joint UP and Brotherhood of Locomotive Engineers task force developed the computer based system for logging the

reports through the use of a series of input screens that are part of a computerized tieup process called =TE. The UP states that the computer based reporting of the daily inspection would have no adverse affect upon the safety of train operations.

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 LI-95-15) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street SW., Washington, DC 20590.

Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that 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.) in Room 8201, Nassif Building, 400 Seventh Street SW., Washington, DC 20590.

Issued in Washington, DC on July 11, 1995.

**Phil Olekszyk,**

*Deputy Associate Administrator for Safety Compliance and Program Implementation.*

[FR Doc. 95-17371 Filed 7-13-95; 8:45 am]

BILLING CODE 4910-06-P

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### National Highway Traffic Safety Administration

[Docket No. 95-53; Notice 1]

#### Cantab Motors, Ltd.; Receipt of Application for Temporary Exemption From Federal Motor Vehicle Safety Standards No. 208 and 214

Cantab Motors, Ltd., of Round Hill, VA, has applied for a temporary exemption of two years from paragraph S4.1.4 of Federal Motor Vehicle Safety Standard No. 208 *Occupant Crash Protection*, and from Federal Motor Vehicle Safety Standard No. 214 *Side Impact Protection*. The basis of the application is that compliance will cause substantial economic hardship to a manufacturer that has tried to comply with the standard in good faith.