

(Catalog of Federal Domestic Assistance Number 59008).

**James E. Rivera,**

*Acting Associate Administrator for Disaster Assistance.*

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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.*

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## 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)