

EQR DATA DICTIONARY—Continued

[Appendix C. Hub]

HUB	Definition
ZP26 .....	The set of delivery points associated with Path 26 on the California transmission grid commonly identified as and agreed to by the counterparties to constitute the ZP26 Hub.

EQR DATA DICTIONARY  
Appendix D. Time Zone

Time zone	Definition
AD .....	Atlantic Daylight.
AP .....	Atlantic Prevailing.
AS .....	Atlantic Standard.
CD .....	Central Daylight.
CP .....	Central Prevailing.
CS .....	Central Standard.
ED .....	Eastern Daylight.
EP .....	Eastern Prevailing.
ES .....	Eastern Standard.
MD .....	Mountain Daylight.
MP .....	Mountain Prevailing.
MS .....	Mountain Standard.
NA .....	Not Applicable.
PD .....	Pacific Daylight.
PP .....	Pacific Prevailing.
PS .....	Pacific Standard.
UT .....	Universal Time.

EQR DATA DICTIONARY—Continued  
Appendix F. Rate Units

Rate units	Definition
\$/MW-DAY .....	dollars per megawatt day.
\$/MW-MO .....	dollars per megawatt month.
\$/MW-WK .....	dollars per megawatt week.
\$/MW-YR .....	dollars per megawatt year.
\$/MVAR-YR .....	dollars per megavar year.
\$/RKVA .....	dollars per reactive kilovar amperes.
CENTS .....	cents.
CENTS/KVR .....	cents per kilovolt amperes.
CENTS/KWH .....	cents per kilowatt hour.
FLAT RATE .....	rate not specified in any other units.

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EQR DATA DICTIONARY  
Appendix E. Units

Units	Definition
KV .....	Kilovolt.
KVA .....	Kilovolt Amperes.
KVR .....	Kilovar.
KW .....	Kilowatt.
KWH .....	Kilowatt Hour.
KW-DAY .....	Kilowatt Day.
KW-MO .....	Kilowatt Month.
KW-WK .....	Kilowatt Week.
KW-YR .....	Kilowatt Year.
MVAR-YR .....	Megavar Year.
MW .....	Megawatt.
MWH .....	Megawatt Hour.
MW-DAY .....	Megawatt Day.
MW-MO .....	Megawatt Month.
MW-WK .....	Megawatt Week.
MW-YR .....	Megawatt Year.
RKVA .....	Reactive Kilovolt Amperes.
FLAT RATE .....	Flat Rate.

EQR DATA DICTIONARY  
Appendix F. Rate Units

Rate units	Definition
\$/KV .....	dollars per kilovolt.
\$/KVA .....	dollars per kilovolt amperes.
\$/KVR .....	dollars per kilovar.
\$/KW .....	dollars per kilowatt.
\$/KWH .....	dollars per kilowatt hour.
\$/KW-DAY .....	dollars per kilowatt day.
\$/KW-MO .....	dollars per kilowatt month.
\$/KW-WK .....	dollars per kilowatt week.
\$/KW-YR .....	dollars per kilowatt year.
\$/MW .....	dollars per megawatt.
\$/MWH .....	dollars per megawatt hour.

information about these rules. 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:**

**Electronic Version**

The electronic file of this document is available on the date of publication in the **Federal Register** at <http://www.gpoaccess.gov/fr/index.html>.

*Explanation of Changes*

Reducing Overpayments

We can apply underpayments to reduce overpayments. 42 U.S.C. 404(a)(1)(A) and 1383(b)(1)(A). Our current title XVI regulations explicitly provide that we “apply any underpayment due an individual to reduce any overpayment to that individual that we determine to exist \* \* \* for a different period, unless we have waived recovery of the overpayment \* \* \*.” 20 CFR 416.543. However, there is no parallel section in our current title II regulations. We are modifying our regulations to reflect our current process of applying underpayments to reduce overpayments under title II.

We are amending 20 CFR 404.503 to state that we will apply any underpayment due an individual to reduce any overpayment owed by that individual that we determine to exist for a different period, unless we waive recovery. In cases when the underpaid individual has died, we will make the adjustment before distributing any underpayment according to the priority list in 20 CFR 404.503(b).

Overpayments Made to Representative Payees

Under title II, we currently collect overpayments from an overpaid beneficiary, from any other beneficiary entitled to benefits based an overpaid beneficiary’s earnings, or from the estate of a deceased overpaid individual. 20 CFR 404.502. Under title XVI, we may collect overpayments from the overpaid recipient, his eligible spouse, or the recipient’s or eligible spouse’s estate if one of them dies before we finish

**SOCIAL SECURITY ADMINISTRATION**

**20 CFR Parts 404 and 416**

[Docket No. SSA-2007-0093]

RIN 0960-AG02

**Technical Revisions to Overpayment Rules**

**AGENCY:** Social Security Administration.  
**ACTION:** Final rules.

**SUMMARY:** These rules amend our title II regulations to explicitly provide that we apply an underpayment due an individual to reduce an overpayment to that individual in certain cases. Our title XVI regulations already state this policy. Additionally, these rules reflect our procedures for collecting overpayments when a payment of more than the correct amount is made to a representative payee on behalf of a beneficiary after the beneficiary’s death. These rules clarify that we collect overpayments in this situation from only the representative payee or his estate but not from the representative payee’s spouse or from the spouse’s estate.

**DATES:** These rules are effective December 4, 2008.

**FOR FURTHER INFORMATION CONTACT:** Joshua Silverman, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235-6401, (410) 594-2128, for

collecting the overpayment. 20 CFR 416.570.

When a representative payee receives benefits on behalf of a beneficiary, we generally collect any overpayment using these same procedures. However, when a representative payee receives benefits intended for a beneficiary after the beneficiary has died, the representative payee is liable for repaying the overpayment. 42 U.S.C. 404(a)(2) and 1383(b)(2). We are updating our regulations to reflect these statutory changes that became effective on December 14, 2000.

These rules clarify that we collect these overpayments solely from the representative payee and his estate. We do not collect from the benefits of the representative payee's spouse, the estate of the spouse, the auxiliaries of the overpaid representative payee, or the deceased beneficiary's estate. We will continue to use all means for collecting such overpayments allowed by federal law, including adjustment of benefits or lump sums, cross-program recovery, administrative offset, tax refund offset, administrative wage garnishment, and federal salary offset. See 20 CFR 404.520, 404.527, 404.530, 416.572, 416.580, 416.590, 422.310, and 422.403.

For title II, we are adding a new paragraph, 20 CFR 404.502(a)(3), which states that we apply the procedures found in paragraph 20 CFR 404.502(a)(1) to recover an overpayment made to a representative payee after the death of a beneficiary. In this situation, we will not recover these overpayments from any other individual entitled to benefits based on the beneficiary's earnings because only the representative payee or his estate is liable for repayment. We also are adding paragraph 20 CFR 404.502(b)(5) to state that, if an overpaid representative payee dies before we recover the full amount of the overpayment, we will collect the overpayment from the representative payee's estate, but we will not adjust the benefits based on the representative payee's record owed to the representative payee's spouse or children.

For title XVI, we are redesignating the existing language in 20 CFR 416.570 as paragraph (a) and are adding a new paragraph (b). This new paragraph provides that some of the procedures in paragraph (a) will apply to recover overpayments from a representative payee or his estate. We are clarifying that we will not adjust benefits owed to the representative payee's eligible spouse or the eligible spouse's estate because only the representative payee is liable.

*Public Comments*

In the notice of proposed rulemaking we published at 73 FR 40997 (July 17, 2008), we provided the public with a 60-day period in which to comment on the proposed changes. That comment period ended on September 15, 2008. We did not receive any comments.

*Corrections*

We are making three minor corrections. First, we have corrected the last sentence in 20 CFR 404.502(b)(5) because words were unintentionally omitted from the proposed rules. The revised sentence clarifies that we do not collect the overpayments at issue under 20 CFR 404.502(b)(3) from anyone other than the representative payee, but we may use any underpayment due to the representative payee to reduce an outstanding overpayment. We also corrected the title of 20 CFR 416.570(b) to use the term "recipient" instead of "beneficiary" for consistency with our rules. Finally, we have amended the language in 20 CFR 416.570(b)(2) to make clear that we will not collect these overpayments from the eligible spouse or the eligible spouse's estate.

**Regulatory Procedures**

*Executive Order 12866, as Amended*

We have consulted with the Office of Management and Budget (OMB) and determined that these final rules do not meet the criteria for a significant regulatory action under Executive Order 12866, as amended. Thus, they were not subject to OMB review.

*Regulatory Flexibility Act*

We certify that these final rules will not have a significant economic impact on a substantial number of small entities as they affect individuals only. Therefore, a regulatory flexibility analysis as provided in the Regulatory Flexibility Act, as amended, is not required.

*Paperwork Reduction Act*

This rule will impose no additional reporting or recordkeeping requirements requiring OMB clearance.

(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; 96.006, Supplemental Security Income)

**List of Subjects**

*20 CFR Part 404*

Administrative practice and procedure, Blind, Disability benefits, Old-age, Survivors and Disability

Insurance, Reporting and recordkeeping requirements, Social Security.

*20 CFR Part 416*

Administrative practice and procedure, Reporting and recordkeeping requirements, Supplemental Security Income (SSI).

Dated: October 23, 2008.

**Michael J. Astrue,**  
*Commissioner of Social Security.*

■ For the reasons set forth in the preamble, we are amending subpart F of part 404 and subpart E of Part 416 of chapter III of title 20 of the Code of Federal Regulations as set forth below:

**PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950— )**

**Subpart F—[Amended]**

■ 1. The authority citation for subpart F of part 404 continues to read as follows:

**Authority:** Secs. 204, 205(a), 702(a)(5), and 1147 of the Social Security Act (42 U.S.C. 404, 405(a), 902(a)(5), and 1320b–17); 31 U.S.C. 3720A.

■ 2. Amend § 404.502 by adding paragraphs (a)(3) and (b)(5) to read as follows:

**§ 404.502 Overpayments.**

\* \* \* \* \*

(a) \* \* \*

(3) If a representative payee receives a payment on behalf of a beneficiary after that beneficiary dies, the representative payee or his estate is solely liable for repaying the overpayment. If the representative payee is entitled to a monthly benefit or a lump sum under title II of the Act at the time we determine that an overpayment exists or at any time thereafter, except as provided in paragraphs (c) and (d) of this section, we will not pay the monthly benefits or the lump sum to the representative payee until the amount of the overpayment has been repaid. We will make such adjustments against any monthly benefit or lump sum under title II of the Act to which the representative payee is entitled whether payable on the basis of such representative payee's earnings or the earnings of another individual.

(b) \* \* \*

(5) The methods in paragraphs (b)(1) and (b)(2) of this section for overpayments owed by a representative payee for payments made after the beneficiary's death. We will not recover such overpayments from any person other than the individual who was representative payee or his estate, but we may recover these overpayments

from such other person under § 404.503(b).

\* \* \* \* \*

■ 3. Amend § 404.503 by adding a second sentence to paragraph (a) and revising paragraph (b) introductory text to read as follows:

**§ 404.503 Underpayments.**

\* \* \* \* \*

(a) *Individual underpaid is living.*  
\* \* \* However, if we determine that the individual to whom an underpayment is due also received an overpayment as defined in § 404.501(a) for a different period, we will apply any underpayment due the individual to reduce that overpayment, unless we have waived recovery of the overpayment under the provisions of §§ 404.506 through 404.512.

(b) *Individual dies before adjustment of underpayment.* If an individual who has been underpaid dies before receiving payment or negotiating a check or checks representing such payment, we first apply any amounts due the deceased individual against any overpayments as defined in § 404.501(a) owed by the deceased individual, unless we have waived recovery of such overpayment under the provisions of §§ 404.506 through 404.512. We then will distribute any remaining underpayment to the living person (or persons) in the highest order of priority as follows:

\* \* \* \* \*

**PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED**

**Subpart E—[Amended]**

■ 4. The authority citation for subpart E of part 416 continues to read as follows:

**Authority:** Secs. 702(a)(5), 1147, 1601, 1602, 1611(c) and (e), and 1631(a)–(d) and (g) of the Social Security Act (42 U.S.C. 902(a)(5), 1320b–17, 1381, 1381a, 1382(c) and (e), and 1383(a)–(d) and (g)); 31 U.S.C. 3720A.

■ 5. Amend § 416.570 by revising the section heading, redesignating the existing text as paragraph (a), adding a heading to redesignated paragraph (a), and adding new paragraph (b) to read as follows:

**§ 416.570 Adjustment.**

(a) *General.* \* \* \*

(b) *Overpayment made to representative payee after the recipient's death.* A representative payee or his estate is solely liable for repaying an overpayment made to the representative payee on behalf of a recipient after the recipient's death. In such case, we will

recover the overpayment according to paragraph (a) of this section, except that:

(1) We will not adjust any other payment due to the eligible spouse of the overpaid representative payee to recover the overpayment, and

(2) If the overpaid representative payee dies before we complete adjustment, we will not seek to recover the overpayment from the eligible spouse or the estate of the eligible spouse.

[FR Doc. E8–26224 Filed 11–3–08; 8:45 am]

**BILLING CODE 4191–02–P**

**DEPARTMENT OF THE TREASURY**

**Fiscal Service**

**31 CFR Part 359**

**Offering of United States Savings Bonds, Series I**

**AGENCY:** Bureau of the Public Debt, Fiscal Service, Treasury.

**ACTION:** Final rule.

**SUMMARY:** A Series I savings bond accrues interest based on both a fixed rate of return and a semiannual inflation rate. A single, annual interest rate called the composite rate reflects the combined effects of the fixed rate and the semiannual inflation rate. This amendment clarifies that the fixed rate of return and the composite rate will always be greater than or equal to 0%. This amendment is for clarification purposes only and makes no substantive change to the existing regulations.

**DATES:** Effective: November 4, 2008.

**ADDRESSES:** You can download this final rule at the following Internet addresses: <http://www.publicdebt.treas.gov> or <http://www.gpoaccess.gov/ecfr>.

**FOR FURTHER INFORMATION CONTACT:** Karthik Ramanathan, Director, Office of Debt Management, Domestic Finance, Departmental Offices, Department of the Treasury, at (202) 622–2042 or [karthik.ramanathan@do.treas.gov](mailto:karthik.ramanathan@do.treas.gov).

Elisha Whipkey, Director, Division of Program Administration, Office of Retail Securities, Bureau of the Public Debt, at (304) 480–6319 or [elisha.whipkey@bpd.treas.gov](mailto:elisha.whipkey@bpd.treas.gov).

Dean Adams, Attorney-Adviser, Edward Gronseth, Deputy Chief Counsel, Office of the Chief Counsel, Bureau of the Public Debt, at (304) 480–8692 or [dean.adams@bpd.treas.gov](mailto:dean.adams@bpd.treas.gov).

**SUPPLEMENTARY INFORMATION:** A Series I savings bond accrues interest based on both a fixed rate of return and a semiannual inflation rate. The Secretary of the Treasury determines the fixed rate

of return. The fixed rate is established for the life of the bond. This amendment clarifies that the fixed rate of return will always be greater than or equal to 0%. The Department of the Treasury issues these regulations pursuant to the authority contained in 5 U.S.C. 301 and 31 U.S.C. 3105.

The composite rate is a single, annual interest rate that reflects the combined effects of the fixed rate and the semiannual inflation rate. The composite rate could possibly be less than the fixed rate in deflationary situations. This amendment clarifies that the composite rate will always be greater than or equal to 0%.

This amendment makes no substantive change to the regulations but will benefit investors by clarifying that neither the fixed rate of return nor the composite rate will be negative under any market conditions.

**Procedural Requirements:**

This final rule does not meet the criteria for a “significant regulatory action” as defined in Executive Order 12866. Therefore, a regulatory assessment is not required.

Because this final rule relates to matters of public contract and procedures for United States securities, notice and public procedure and delayed effective date requirements are inapplicable, pursuant to 5 U.S.C. 553(a)(2).

As no notice of proposed rulemaking is required, the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) does not apply.

We ask for no new collections of information in this final rule. Therefore, the Paperwork Reduction Act (44 U.S.C. 3507) does not apply.

**List of Subjects in 31 CFR Part 359**

Bonds, Federal Reserve system, Government securities, Securities.

■ Accordingly, for the reasons set out in the preamble, 31 CFR Chapter II, Subchapter B, is amended as follows:

**PART 359—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES I**

■ 1. The authority citation for part 359 continues to read as follows:

**Authority:** 5 U.S.C. 301; 12 U.S.C. 391; 31 U.S.C. 3105.

■ 2. Revise § 359.10 to read as follows:

**§ 359.10 What is the fixed rate of return?**

The Secretary, or the Secretary's designee, determines the fixed rate of return. The fixed rate is established for the life of the bond. The fixed rate will always be greater than or equal to