

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.

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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.

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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.