

“(16) If the offense involved fraud or theft involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with a declaration of a major disaster or an emergency, increase by 2 levels.”.

The Commentary to § 2B1.1 captioned “Application Notes” is amended in Note 3 by inserting after the paragraph that begins “(III) Offenses Under 18 U.S.C. 1030.—” the following:

“(IV) *Disaster Fraud Cases*.—In a case in which subsection (b)(16) applies, reasonably foreseeable pecuniary harm includes the administrative costs to any federal, state, or local government entity or any commercial or not-for-profit entity of recovering the benefit from any recipient thereof who obtained the benefit through fraud or was otherwise ineligible for the benefit that were reasonably foreseeable.”.

The Commentary to § 2B1.1 captioned “Application Notes” is amended by redesignating Notes 15 through 19 as Notes 16 through 20, respectively; and by inserting after Note 14 the following:

“15. Application of Subsection (b)(16).—

(A) Definitions.—For purposes of this subsection:

‘Emergency’ has the meaning given that term in 42 U.S.C. 5122.”.

‘Major disaster’ has the meaning given that term in 42 U.S.C. 5122.

The Commentary to § 2B1.1 captioned “Background” is amended by adding at the end the following:

“Subsection (b)(16) implements the directive in section 5 of Public Law 110–179.”.

Appendix A (Statutory Index) is amended by inserting after the line reference to 18 U.S.C. 1039 the following:

“18 U.S.C. 1040 2B1.1”.

*Reason for Amendment:* This amendment implements the emergency directive in section 5 of the Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2007, Public Law 110–179. The directive, which requires the Commission to promulgate an amendment under emergency amendment authority by February 6, 2008, directs that the Commission forthwith shall—promulgate sentencing guidelines or amend existing sentencing guidelines to provide for increased penalties for persons convicted of fraud or theft offenses in connection with a major disaster declaration under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) or an emergency declaration under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191) \* \* \*.

Section 5(b) of the Act further requires the Commission to—

(1) Ensure that the sentencing guidelines and policy statements reflect the serious nature of the offenses described in subsection (a) and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(2) Assure reasonable consistency with other relevant directives and with other guidelines;

(3) Account for any aggravating or mitigating circumstances that might justify exceptions, including circumstances for which the sentencing guidelines currently provide sentencing enhancements;

(4) Make any necessary conforming changes to the sentencing guidelines; and

(5) Assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

The amendment addresses the directive by creating a two-level enhancement that applies if the offense involved fraud or theft in connection with a declaration of a major disaster or emergency, as those terms are defined in 42 U.S.C. § 5122. In addition, the amendment modifies Application Note 3 to provide that for purposes of determining loss under subsection (b)(1), reasonably foreseeable pecuniary harm includes certain administrative costs in such cases.

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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 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; correction.

**SUMMARY:** This document contains a correction to the notice of rescission of SSR 94–4p that was published in the *Federal Register* on January 11, 2008 (73 FR 2074). The effective date shown in one place in that notice was incorrect.

**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:** The notice of rescission of SSR 94–4p that was published on January 11, 2008 (73 FR 2074) shows January 11, 2008 as the effective date in one place and February 11, 2008 in another place. However, this rescission was intended to be coordinated with the effective date of final rules that were also published on January 11, 2008 (73 FR 1970). The effective date of the final rules is February 11, 2008. Therefore, the effective date of the notice of rescission of SSR 94–4p is also February 11, 2008, and SSR 94–4p is obsolete and rescinded as of February 11, 2008.

Dated: January 14, 2008.

**Paul Kryglik,**

*Acting Social Security Regulations Officer.*

[FR Doc. E8–880 Filed 1–17–08; 8:45 am]

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## DEPARTMENT OF STATE

[Public Notice: 6065]

### 60-Day Notice of Proposed Information Collection: Agency Form DS–4127, NEA/PI Online Performance Reporting System (PRS), OMB Control Number 1405–XXXX

**ACTION:** Notice of request for public comments.

**SUMMARY:** The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. The purpose of this notice is to allow 60 days for public comment in the *Federal Register* preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995.

• *Title of Information Collection:* NEA/PI Online Performance Reporting System (PRS).

- *OMB Control Number:* none.
- *Type of Request:* New collection.
- *Originating Office:* NEA/PI.
- *Form Number:* DS–4127.
- *Respondents:* Recipients of NEA/PI grants.

• *Estimated Number of Respondents:* 70 respondents annually.

• *Estimated Number of Responses:* 280 per year.

- *Average Hours Per Response*: 20.
- *Total Estimated Burden*: 5600 hours per year.

- *Frequency*: Quarterly.
- *Obligation to Respond*: Required to Obtain or Retain a Benefit.

**DATE(S)**: The Department will accept comments from the public up to 60 days from January 18, 2008.

**ADDRESSES**: You may submit comments by any of the following methods:

- *E-mail*: [HibbenBA@state.gov](mailto:HibbenBA@state.gov).
- *Mail (paper, disk, or CD-ROM submissions)*: Barbara Hibben, Acting Deputy Director, U.S. Department of State, Office of the Middle East Partnership Initiative (NEA/PI), Bureau of Near Eastern Affairs, NEA Mail Room—Room 6258, 2201 C St., NW., Washington, DC 20520.
- *Fax*: 202-647-8445
- *Hand Delivery or Courier*: 2430 E St., NW. (23rd and D St., NW.), Navy Hill—SA-4—Central, Second Floor, Washington, DC 20037.

You must include the DS form number (if applicable), information collection title, and OMB control number in any correspondence.

**FOR FURTHER INFORMATION CONTACT**: Please direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed information collection and supporting documents, to George Wilson, U.S. Department of State, Office of the Middle East Partnership Initiative (NEA/PI), Bureau of Near Eastern Affairs, NEA Mail Room—Room 6258, 2201 C St., NW., Washington, DC 20520, who may be reached on 202-776-8641 or at [wilsongr@state.gov](mailto:wilsongr@state.gov).

**SUPPLEMENTARY INFORMATION**: We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper performance of our functions.
- Evaluate the accuracy of our estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of technology.

*Abstract of proposed collection:*

Since 2002, MEPI has obligated more than \$430 million to over 250 organizations, who carry out more than 370 projects in support of political, economic, education and women's rights reform in 20 countries of the

Middle East and North Africa. As a normal course of business and in compliance with OMB Guidelines contained in Circular A-110, recipient organizations are required to provide, and the U.S. State Department required to collect, periodic program and financial performance reports. The responsibility of the State Department to track and monitor the programmatic and financial performance necessitates a database that can help facilitate this in a consistent and standardized manner. The MEPI Performance Reporting System (PRS) enables enhanced monitoring and evaluation of grants through standardized collection and storage of relevant award elements, such as quarterly progress reports, workplans, results monitoring plans, grant agreements, financial reports, and other business information related to MEPI implementers. The PRS streamlines communication with implementers and allows for rapid identification of information gaps for specific projects.

*Methodology:*

Information will be entered into PRS electronically by respondents. Non-respondents will submit their quarterly reports on paper.

*Additional Information:*

Dated: December 20, 2007.

**Barbara Hibben,**

*Acting Deputy Director, Bureau of Near Eastern Affairs, NEA/PI, Department of State.*  
[FR Doc. E8-901 Filed 1-17-08; 8:45 am]

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## DEPARTMENT OF STATE

[Public notice: 6064]

### 60-Day Notice of Proposed Information Collection: U.S. Department of State Driver License and Tax Exemption Card Application; OMB Collection Number 1405-0105; Forms DS-1972, DS-1972D & DS-1972T

**ACTION**: Notice of request for public comments.

**SUMMARY**: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. This process is conducted in accordance with the Paperwork Reduction Act of 1995.

- *Title of Information Collection*: U.S. Department of State Driver License and Tax Exemption Card Application.
- *OMB Control Number*: 1405-0105.
- *Type of Request*: Extension of a currently approved collection.

- *Originating Office*: Diplomatic Security/Office of Foreign Missions (DS/OFM).

- *Form Numbers*: DS-1972, DS-1972D, DS-1972T.

- *Respondents*: Foreign government representatives assigned to the United States.

- *Estimated Number of Respondents*: 350 foreign missions.

- *Estimated Number of Responses*: 21,284 responses (DS-1972: 6,385), (DS-1972D: 4,470), (DS-1972T: 10,249).

- *Average Hours Per Response*: DS-1972 (30 minutes), DS-1972D (20 minutes), DS-1972T (15 minutes).

- *Total Estimated Burden*: 7,275 hours.

- *Frequency*: On occasion.

- *Obligation to Respond*: Required to obtain or retain benefits.

The Department will accept comments from the public up to 60 days from date of publication in the **Federal Register**. You may submit comments by either of the following methods:

- *E-mail*: [OFMInfo@state.gov](mailto:OFMInfo@state.gov).
- *Mail*: U.S. Department of State, Diplomatic Security, Office of Foreign Missions, 2201 C Street, NW., Room 2238, Washington DC, 20520.

You must include the DS form number, information collection title, and OMB control number in any correspondence.

**FOR FURTHER INFORMATION CONTACT**: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed information collection and supporting documents, to Attn: Jacqueline Robinson, Diplomatic Security, Office of Foreign Missions, 2201 C Street, NW., Room 2238, Washington DC, 20520, who may be reached on (202) 647-3416 or [OFMInfo@state.gov](mailto:OFMInfo@state.gov).

**SUPPLEMENTARY INFORMATION**: We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of our functions.
  - Evaluate the accuracy of our estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.
  - Enhance the quality, utility, and clarity of the information to be collected.
  - Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.
- Abstract of proposed collection*: The forms associated with OMB Collection Number 1405-0105 are means by which foreign missions in the United States