

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 73

RIN 3150-AF36

#### Meeting Regarding NEI 95-01, "Nuclear Power Plant Personnel Access Authorization Standards and Procedures"

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of meeting.

**SUMMARY:** Representatives of the Nuclear Energy Institute (NEI) requested a meeting with the NRC staff to discuss potential regulatory issues associated with NEI 95-01, "Nuclear Power Plant Personnel Access Authorization Standards and Procedures," dated December 1995. The NEI distributed NEI 95-01 to industry and NRC staff on December 28, 1995, requesting NRC review to ensure that the industry guidance did not conflict with applicable NRC regulations. The NEI representatives requested the meeting in an effort to expedite a revised version of the document which it intends to publish in the near future.

**DATES:** The meeting will be held on April 22, 1996, from 2 p.m. to 4 p.m.

**ADDRESSES:** The meeting will be held in Room 4-B-13 at NRC Headquarters located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852-2738.

**FOR FURTHER INFORMATION CONTACT:** Nancy Ervin, (301) 415-2946.

Dated at Rockville, Maryland, this 5th day of April 1996.

LeMoine J. Cunningham,

Chief, Safeguards Branch, Division of Reactor Program Management, Office of Nuclear Reactor Regulation.

[FR Doc. 96-9025 Filed 4-10-96; 8:45 am]

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## RAILROAD RETIREMENT BOARD

### 20 CFR Part 348

RIN 3220-AB14

#### Representative Payment

**AGENCY:** Railroad Retirement Board.

**ACTION:** Proposed rule.

**SUMMARY:** The Railroad Retirement Board (Board) proposes to amend its regulations in order to provide guidelines regarding the selection, payment, responsibilities, and monitoring of representative payees under the Railroad Unemployment Insurance Act. This proposal is being made to improve the administration of the Board's representative payee program.

**DATES:** Comments must be received on or before June 10, 1996.

**ADDRESSES:** Secretary to the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

**FOR FURTHER INFORMATION CONTACT:** Thomas W. Sadler, Assistant General Counsel, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, (312) 751-4513; TDD (312) 751-4701.

**SUPPLEMENTARY INFORMATION:** The Railroad Unemployment Insurance Act (45 U.S.C. 351-368) provides a system of unemployment and sickness benefits for railroad employees who meet certain eligibility requirements under that Act. On rare occasions, a claimant is incompetent to file for or receive benefits under the Act without the assistance of a representative payee. Under such circumstances, section 12(a) of the Railroad Retirement Act expressly authorizes the Board to make payments, or conduct transactions, directly with the claimant, with a legally appointed guardian of the claimant, or with any other person on the claimant's behalf, even though the claimant is an incompetent for whom a guardian is acting. The provisions of section 12(a) are applicable to benefits claimed or paid under any Act administered in whole or in part by the Board, including the Railroad Unemployment Insurance Act.

There has been growing concern in the Congress to assure that surrogate decision-making services, including representative-payee services, are provided in a uniform, high quality manner which maximizes the potential

of every individual for self-reliance and independence.

The Board is currently in the process of a comprehensive program to review and revise its regulations. New part 348 is proposed at this time to address concerns that adequate safeguards be provided where payment of a benefit under the Railroad Unemployment Insurance Act is made to a representative payee rather than directly to the claimant. Part 348 incorporates the extensive regulations found in part 266 of this chapter dealing with appointment of a representative payee under the Railroad Retirement Act.

The Board has, in coordination with the Office of Management and Budget, determined that this is not a significant regulatory action for purposes of Executive Order 12866; therefore, no regulatory impact analysis is required. Information collection has been approved by the Office of Management and Budget under control numbers 3220-0052 and 3220-0151.

#### List of Subjects in 20 CFR Part 348

Railroad employees, Railroad unemployment and sickness insurance benefits.

For the reasons set out in the preamble, the Board proposes to add a new part 348 to title 20 of the Code of Federal Regulations as follows:

### PART 348—REPRESENTATIVE PAYMENT

Sec.

348.1 Introduction.

348.2 Recognition by the Board of a person to act in behalf of another.

Authority: 45 U.S.C. 355, 45 U.S.C. 231k.

#### § 348.1 Introduction.

(a) *Explanation of representative payment.* This part explains the principles and procedures that the Board follows in determining whether to make representative payment and in selecting a representative payee. It also explains the responsibilities that a representative payee has concerning the use of the funds which he or she receives on behalf of a claimant. A representative payee may be either a person or an organization selected by the Board to receive benefits on behalf of a claimant. A representative payee will be selected if the Board believes that the interest of a claimant will be served by representative payment rather than direct payment of benefits.

Generally, the Board will appoint a representative payee if it determines that the claimant is not able to manage or direct the management of benefit payments in his or her interest.

(b) *Statutory authority.* Section 12 of the Railroad Retirement Act, which is also applicable to the Railroad Unemployment Insurance Act, provides that every claimant shall be conclusively presumed to have been competent until the date on which the Board receives a notice in writing that a legal guardian or other person legally vested with the care of the person or estate of an incompetent or a minor has been appointed: *Provided, however,* That despite receiving such notice, the Board may, if it finds the interests of such claimant to be served thereby, recognize actions by, conduct transactions with, and make payments to such claimant.

(c) *Policy used to determine whether to make representative payment.* (1) The Board's policy is that every claimant has the right to manage his or her own benefits. However, due to mental or physical condition some claimants may be unable to do so. If the Board determines that the interests of a claimant would be better served if benefit payments were certified to another person as representative payee, the Board will appoint a representative payee in accordance with the procedures set forth in this part. The Board may appoint a representative payee even if the claimant is a legally competent individual. If the claimant is a legally incompetent individual, the Board may appoint the legal guardian or some other person as a representative payee.

(2) If payment is being made directly to a claimant and a question arises concerning his or her ability to manage or direct the management of benefit payments, the Board may, if the claimant has not been adjudged legally incompetent, continue to pay the claimant until the Board makes a determination about his or her ability to manage or direct the management of benefit payments and the selection of a representative payee.

#### **§ 348.2 Recognition by the Board of a person to act in behalf of another.**

The provisions of part 266 of this chapter shall be applicable to the appointment of a representative payee under this part to the same extent and in the same manner as they are applicable to the appointment of a representative payee under the Railroad Retirement Act.

Dated: April 4, 1996.

By authority of the Board.  
Beatrice Ezerski,  
*Secretary to the Board.*  
[FR Doc. 96-9045 Filed 4-10-96; 8:45 am]  
BILLING CODE 7905-01-P

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Parts 51 and 52**

[FRL-5450-8]

#### **Control of Air Pollution; Removal of Obsolete, Superfluous or Burdensome Rules**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The EPA proposes to determine that certain regulations should be deleted or modified as obsolete, duplicative, superfluous or otherwise unduly burdensome. In the Final Rules section of this Federal Register, EPA is making these determinations without prior proposal. A detailed rationale for the action is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments on the direct final rule, EPA will withdraw the portions of the final rule that triggered those comments. EPA will address those comments in a subsequent final rule based on this proposed rule. Any rules for which no adverse or critical comment is received will become final after the designated period. EPA will not institute a second comment period on this notice. Any parties interested in commenting on this notice should do so at this time.

**DATES:** Comments on this action must be received by May 13, 1996.

**ADDRESSES:** Written comments should be mailed to: Maureen Delaney, Office of Policy Analysis and Review (6103), Office of Air and Radiation, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** Maureen Delaney, Office of Air and Radiation, Office of Policy Analysis and Review, (202) 260-7431.

**SUPPLEMENTARY INFORMATION:** For additional information, see the direct final rule published in the Final Rules section of this Federal Register.

Dated: March 26, 1996.  
Carol M. Browner,  
*Administrator.*  
[FR Doc. 96-8745 Filed 4-10-96; 8:45 am]  
BILLING CODE 6560-50-P

## **40 CFR Part 300**

[FRL-5456-6]

### **National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of intent for partial deletion of the RSR Corporation Superfund Site from the National Priorities List.

**SUMMARY:** The Environmental Protection Agency (EPA) Region 6 announces its intent to delete the residential portions of the RSR Corporation Superfund Site (RSR Site) known as Operable Unit (OU) Nos. 1 and 2 from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

This proposal for partial deletion pertains to OU No. 1, which includes all privately owned residential properties and residential high risk areas, such as schools and day care centers, located in the RSR site. In addition, this proposal for partial deletion pertains to OU No. 2, which includes the public residential housing area located in RSR Site that is currently owned by the Dallas Housing Authority (DHA). EPA has issued no further action Records of Decision (RODs) for OU Nos. 1 and 2. EPA bases its proposal to delete OU Nos. 1 and 2 on the determination by EPA and the State of Texas, through the Texas Natural Resource Conservation Commission (TNRCC), that all appropriate actions under CERCLA have been implemented to protect human health, welfare and the environment at OU Nos. 1 and 2.

This partial deletion pertains only to OU Nos. 1 and 2 of the RSR Site and does not include OU Nos. 3, 4 and 5. OU Nos. 3, 4 and 5 will remain on the NPL, and response activities will continue at those OUs.

**DATES:** The EPA will accept comments concerning its proposal for partial deletion for thirty (30) days after