

1988, incorporated into the Small Business Act the previously existing requirement that recipients of Federal contracts set aside for small businesses, or the SBA 8(a) Program, must provide the products of small business manufacturers or processors. The SBA regulations imposing this requirement are found at 13 CFR 121.406(b).

Section 210 of Public Law 101-574 further amended the Small Business Act to allow for waivers for classes of products for which there are no small business manufacturers or processors "available to participate in the Federal procurement market," 15 U.S.C. 637(a)(17)(B)(iv)(II).

#### Decision To Reinstate the Class Waiver

SBA announced its decision to grant a class waiver for bars and rods in the Federal Register on May 15, 1991 (Vol. 56, No. 94 FR 22306).

SBA published a notice terminating the class waiver for bars and rods and structural shapes on July 27, 1994 (Vol. 59, No. 143 FR 38115). On October 24, 1994, the Defense Logistics Agency's (DLA) Defense Industrial Supply Center (DISC) brought to SBA's attention that a misclassification had occurred by grouping bars and rods with structural shapes which inadvertently resulted in the termination of the class waiver for both bars and rods. The termination of the waiver for structural shapes was correct and remains in effect.

The waiver previously granted for bars and rods, nickel-copper, nickel-copper-aluminum, and high-nickel-alloy and copper, copper-nickel, aluminum-bronze, and naval brass [Federal Supply Code (FSC) 9530, Standard Industrial Classification Code (SIC) 3356] should still be in effect, effective upon date of publication of this notice. Small business set-aside or SBA 8(a) Program contracts for this class of products may rely on this waiver where the solicitation is dated within ninety (90) days of the date this notice appears in the Federal Register.

Dated: August 12, 1996.

Judith A. Roussel,

Associate Administrator for Government Contracting.

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## RAILROAD RETIREMENT BOARD

### 20 CFR Part 348

RIN 3220-AB14

### Representative Payment

AGENCY: Railroad Retirement Board.

**ACTION:** Final rule.

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

**EFFECTIVE DATE:** August 15, 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. Part 348 is added 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 previously published part 348 as a proposed rule inviting comment by June 10, 1996 (61 FR 16067). No comments were received. 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 insurance, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, the Board hereby adds 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: August 6, 1996.

By Authority of the Board.

For the Board.

Beatrice Ezerski,

Secretary to the Board.

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**21 CFR Part 175**

[Docket No. 96F-0053]

**Indirect Food Additives: Adhesives and Components of Coatings**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of dimethyl 1,4-cyclohexanedicarboxylate as a monomer in polyester resins employed in adhesives as components of articles intended for use in contact with food. This action is in response to a petition filed by Eastman Chemical Co.

**DATES:** Effective August 15, 1996; written objections and requests for a hearing by September 16, 1996.

**ADDRESSES:** Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1-23, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS-216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3081.

**SUPPLEMENTARY INFORMATION:** In a notice published in the Federal Register of February 26, 1996 (61 FR 7111), FDA announced that a food additive petition (FAP 5B4481) had been filed by Eastman Chemical Co., P.O. Box 1994, Kingsport, TN 37662. The petition proposed to amend the food additive regulations in § 175.105 *Adhesives* (21 CFR 175.105) to provide for the safe use of dimethyl 1,4-cyclohexanedicarboxylate as a monomer in polyester resins employed in adhesives as components of articles intended for use in contact with food.

FDA has evaluated the data in the petition and other relevant material. The agency concludes that: (1) The proposed use of the food additive is safe, (2) the food additive will have the intended technical effect, and (3) the regulations in § 175.105 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment

with the information contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before September 16, 1996, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 175

Adhesives, Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 175 is amended as follows: