

between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 178

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 178 is amended as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citation for 21 CFR part 178 continues to read as follows:

Authority: Secs. 201, 402, 409, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 379e).

2. Section 178.2010 is amended in the table in paragraph (b) for the entry "2,4-di-*tert*-pentyl-6-[1-(3,5-di-*tert*-pentyl-2-hydroxyphenyl)ethyl]phenyl acrylate" by adding a new entry "3." under the heading "Limitations" to read as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *
(b) * * *

Substances	Limitations
2,4-Di- <i>tert</i> -pentyl-6-[1-(3,5-di- <i>tert</i> -pentyl-2-hydroxyphenyl)ethyl]phenyl acrylate (CAS Reg. No.123968-25-2)..	For use only: * * * 3. At levels not to exceed 0.5 percent by weight of polystyrene and rubber-modified polystyrene complying with § 177.1640 of this chapter in contact with all food types under conditions of use D through G as described in Table 2 of § 176.170(c) of this chapter.

Dated: April 3, 1995.

L. Robert Lake,

Director, Office of Policy, Planning and Strategic Initiatives, Center for Food Safety and Applied Nutrition.

[FR Doc. 95-8773 Filed 4-10-95; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF JUSTICE

Parole Commission 28 CFR Part 2

Paroling, Recommitting, and Supervising Federal Prisoners: Original Jurisdiction Cases

AGENCY: Parole Commission.

ACTION: Final rule.

SUMMARY: The U.S. Parole Commission is amending the voting quorum required for initial parole decisions made under 28 CFR 2.17, which is the procedure for original jurisdiction cases (high profile and extremely serious offenders). The Commission has determined that the present four-vote requirement is no longer appropriate, in view of the fact that only six Commissioners are currently holding office. Accordingly, the quorum required to decide original jurisdiction cases will be three votes. Appeals from these decisions will continue to be presented to the full Commission under 28 CFR 2.27.

EFFECTIVE DATE: May 11, 1995.

FOR FURTHER INFORMATION CONTACT:

Pamela A. Posch, Office of General Counsel, 550 Friendship Blvd., Chevy Chase, Maryland 20815, Telephone (301) 492-5959.

SUPPLEMENTARY INFORMATION: The above-described procedural change reduces the quorum of Commissioner votes required to decide an original jurisdiction case under 28 CFR 2.17, from four to three. This is a procedural change only, and it is expected to permit more expeditious decision-making in original jurisdiction cases, without materially affecting a prisoner's chances for parole. The guidelines at 28 CFR 2.20 will continue to govern the merits of the decision to grant, deny, or revoke parole, and appeals will be decided by a majority of the Commission.

Implementation

This procedural rule will apply to all original jurisdiction cases decided after the effective date shown above, pursuant to 28 CFR 2.17.

Executive Order 12866 and Regulatory Flexibility Statement

The U.S. Parole Commission has determined that this rule is not a significant regulatory action for the purposes of Executive Order 12866, and the rule has, accordingly, not been reviewed by the Office of Management and Budget. The rule will not have a significant economic impact upon a substantial number of small entities, within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 605(b).

List of Subjects in 28 CFR Part 2

Administrative practice and procedure, probation and parole, prisoners.

The Final Rule

Accordingly, the U.S. Parole Commission makes the following amendment to 28 CFR part 2:

(1) The authority citation for 28 CFR part 2 continues to read as follows:

Authority: 18 U.S.C. 4203(a)(1) and 4204(a)(6).

§ 2.17 [Amended]

(2) 28 CFR Part 2, § 2.17(a) is amended by substituting the words "concurrence of three votes" for the words "concurrence of four votes".

Dated: March 31, 1995.

Edward F. Reilly, Jr.,

Chairman, U.S. Parole Commission.

[FR Doc. 95-8914 Filed 4-10-95; 8:45 am]

BILLING CODE 4410-01-P

28 CFR Part 2

Paroling, Recommitting, and Supervising Federal Prisoners: Transfer Treaty Prisoners

AGENCY: Parole Commission.

ACTION: Final rule.

SUMMARY: The U.S. Parole Commission is amending the regulation that sets forth procedures for transfer treaty offenders under 18 U.S.C. 4106A, to require the concurrence of two U.S. Parole Commissioners for a decision. At present, transfer treaty cases are decided by Regional Commissioners, pursuant to the general delegation of authority at 28 CFR 2.24. The Commission considers that this voting quorum change is appropriate because appeals from the Commission's decisions in transfer treaty cases, unlike ordinary parole cases, are taken directly to a U.S. Court of Appeals.

EFFECTIVE DATE: May 11, 1995.

FOR FURTHER INFORMATION, CONTACT:

Pamela A. Posch, Office of General Counsel, 5550 Friendship Blvd., Chevy Chase, Maryland 20815, Telephone (301) 492-5959.

SUPPLEMENTARY INFORMATION: The U.S. Parole Commission has the statutory function of setting release dates and periods of supervised release for citizens of the United States who are transferred from foreign countries, pursuant to treaty, to serve sentences imposed by foreign courts. Under 18 U.S.C. 4106A, these prisoners come before the U.S. Parole Commission for a hearing and a decision that is subject to

appeal to a U.S. Court of Appeals in accordance with 18 U.S.C. 3742.

The Commission has found it necessary to make these decisions through a delegation of authority to individual Commissioners in order to permit timely processing of these cases. (Many of these treaty prisoners are returned to the United States after having already served sufficient time in foreign prisons to warrant an immediate release date within the applicable sentencing guideline range.) The Commission has decided, however, that a quorum of two Commissioners is more appropriate, given the fact that there is no administrative appeal from the Regional Commissioner's decision. This is in contrast to the ordinary parole case wherein the Regional Commissioner's decision is subject to an administrative appeal within the Commission, under 18 U.S.C. 4215, before the prisoner may seek judicial review in a federal court. Accordingly, transfer treaty cases under 18 U.S.C. 4106A will be decided by the National Commissioners, with the concurrence of two Commissioners required to reach a decision.

Implementation

This procedural rule will be applied to all transfer treaty cases under 18 U.S.C. 4106A wherein the transfer treaty hearing is conducted on or after the effective date set forth above.

Executive Order 12866 and Regulatory Flexibility Statement:

The U.S. Parole Commission has determined that this rule is not a significant regulatory action for the purposes of Executive Order 12866, and the rule has therefore not been reviewed by the Office of Management and Budget. The rule will not have a significant economic impact upon a substantial number of small entities, within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 605(b).

List of Subjects in 28 CFR Part 2:

Administrative practice and procedure, probation and parole, prisoners.

The Final Rule

Accordingly, the U.S. Parole Commission makes the following amendment to 28 CFR part 2:

(1) The authority citation for 28 CFR part 2 continues to read as follows:

Authority: 18 U.S.C. 4203(a)(1) and 4204(a)(6).

(2) 28 CFR part 2, § 2.62(i)(1) is revised to read as follows:

§ 2.62 Prisoners transferred pursuant to treaty.

* * * * *

(i) *Final decision.* (1) The Commission shall render a decision as soon as practicable and without unnecessary delay. Decisions shall be made upon a concurrence of two votes of the National Commissioners. The decision shall set a release date and a period and conditions of supervised release. If the Commission determines that the appropriate release date under 18 U.S.C. 4106A is the full term date of the foreign sentence, the Commission will order the transferee to "continue to expiration"

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Dated: March 31, 1995.
Edward F. Reilly, Jr.,
Chairman, U.S. Parole Commission.
 [FR Doc. 95-8911 Filed 4-10-95; 8:45 am]
BILLING CODE 4410-01-P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Parts 2 and 3

RIN 2900-AH36

Veterans' Benefits Improvements Act of 1994: To Implement Provisions of Public Law 103-446

AGENCY: Department of Veterans Affairs.
ACTION: Final rule.

SUMMARY: This document amends Department of Veterans Affairs (VA) adjudication regulations to: Allow the election of death pension by surviving spouses in receipt of dependency and indemnity compensation (DIC); eliminate the requirement to pay certain benefits in Philippine pesos; revise the treatment of certain claims after a renouncement of benefits; and exclude from countable income in the pension and parents' DIC programs certain income of Alaska natives. These changes are needed to implement recently enacted legislation. The intended effect of these changes is to bring the regulations into conformance with the new statutory requirements.

EFFECTIVE DATE: These amendments are effective November 2, 1994, the date that Public Law 103-446 was signed into law, except for the provisions removing the requirement to pay certain benefits in Philippine pesos (38 CFR 2.67a, 3.8, 3.100(b), 3.251(a)(3), and 3.1600) which are effective January 1, 1995.

FOR FURTHER INFORMATION CONTACT: Paul Trowbridge, Consultant, Regulations Staff (211B), Compensation and Pension Service, Veterans Benefits

Administration, 810 Vermont Avenue NW., Washington, DC 20420, telephone (202) 273-7210.

SUPPLEMENTARY INFORMATION: On November 2, 1994, the Veterans' Benefits Improvements Act of 1994 was signed into law. Formerly, no person in receipt of DIC could elect to receive any other benefit based on the same death. Section 111 of the Veterans' Benefits Improvements Act of 1994, Public Law 103-446, amended 38 U.S.C. 1317 to allow a surviving spouse in receipt of DIC to elect death pension instead of such compensation. VA is amending 38 CFR 3.5(c) and 3.702(d) to conform with this new statutory provision. We have also made a nonsubstantive change in § 3.702(d) to clarify when an election of DIC is final.

Under the provisions of 38 U.S.C. 5306 any person can renounce a benefit to which he or she is entitled. Until recently any new application filed thereafter was treated as an original application. Section 503 of Public Law 103-446 amended 38 U.S.C. 5306 by adding a new subsection which provides that a new application for pension or parents' DIC filed within one year after renouncement of that benefit shall not be treated as an original application but rather that any benefits due will be payable as if the renouncement has not occurred. VA is amending 38 CFR 3.106 and 3.400(s) to conform to this new statutory requirement.

All income is countable when VA determines entitlement to income-based benefits unless specifically excluded by law. Section 506 of Public Law 103-446 provides a new exception to countable income if cash, stock, land, or other interests are received by an individual from a Native Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.). VA is amending 38 CFR 3.261, 3.262 and 3.272 to conform to this new statutory requirement.

Section 507 of Public Law 103-446 amended 38 U.S.C. 107 to eliminate the requirement that compensation, DIC, or burial allowance based on certain Philippine service deemed not to be active service for other purposes be paid in Philippine pesos. VA is amending 38 CFR 3.8, 3.251(a)(3), and 3.1600 to conform to this statutory revision. VA is removing §§ 2.67a and 3.100(b) because, in light of the statutory amendment, calculation of the annual income limitation in Philippine pesos is not required and a delegation of authority to the Chief Benefits Director for that purpose is no longer necessary.

VA is issuing a final rule to make the above described amendments. These