

FDC date	State	City	Airport	FDC No.	SIAP
07/26/95 ...	MT	Butte .....	Bert Mooney .....	FDC 5/3631	ILS Rwy 15, Amdt 4A. VOR/DME or GPS-A, Amdt 3A...
07/26/95 ...	MT	Butte .....	Bert Mooney .....	FDC 5/3632	
07/26/95 ...	OH	Wilmington .....	Wilmington Airborne Airpark .....	FDC 5/3641	NDB Rwy 4, Amdt 2... NDB or GPS Rwy 22, Amdt 3...
07/26/95 ...	TN	Waverly .....	Humphreys County .....	FDC 5/3642	
07/26/95 ...	TN	Waverly .....	Humphreys County .....	FDC 5/3643	VOR/DME or GPS-A, Amdt 2B...

[FR Doc. 95-19418 Filed 8-4-95; 8:45 am]  
BILLING CODE 4910-13-M

**RAILROAD RETIREMENT BOARD**

**20 CFR Part 335**

RIN 3220-AB11

**Sickness Benefits**

**AGENCY:** Railroad Retirement Board.  
**ACTION:** Final rule.

**SUMMARY:** The Railroad Retirement Board (Board) hereby amends its regulations under the Railroad Unemployment Insurance Act (RUIA) to permit a "physician assistant-certified" and an "accredited Christian Science practitioner" to execute a statement of sickness in support of payments of sickness benefits under the RUIA. The rule would also eliminate certain obsolete language.

**EFFECTIVE DATE:** August 7, 1995.

**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, TDD (FTS (312) 386-4701).

**SUPPLEMENTARY INFORMATION:** Section 335.2(a)(2) provides that in order to be entitled to sickness benefits under the RUIA, a claimant must provide a "statement of sickness". Section 335.3(a) of the Board's regulations lists the individuals from whom the Board will accept a statement of sickness. That list does not currently include physicians assistants. In many parts of the country, physicians assistants are more accessible (and their services less expensive) than licensed medical doctors (MD's). Under previous regulations, the Board will not accept a statement of sickness or supplemental statement of sickness from a physician assistant unless there is some follow-up verification that the physician assistant completed the statement under the supervision of a medical doctor. This is

administratively costly and in many cases unnecessarily delays payment of sickness benefits. Thus, the Board adds "physician assistant-certified" to the list of individuals from who it will accept a statement of sickness. In addition, under present practice the Board recognizes an accredited Christian Science practitioner as qualified to execute a statement of sickness. Thus, the regulation also adds this category to its list of qualified individuals.

The Board also amends § 335.4(d)(5) of its regulations by deleting the first sentence of paragraph (d)(5), which relates to the filing of a statement of sickness by a female employee whose claim for sickness benefits is based upon pregnancy, miscarriage, or childbirth. The special form required by paragraph (d)(5) is no longer used, since, for purposes of filing for sickness benefits, a distinction is no longer made between pregnancy, miscarriage or childbirth, and other illnesses.

On March 16, 1995, the Board published this rule as a proposed rule (60 FR 14241) inviting comments on or before April 17, 1995. No comments were received. The only change that has been made to the proposed rule is the addition of "accredited Christian Science practitioner", discussed above, which merely conforms the regulation to current practice. The Board has determined that this is not a major rule for purposes of Executive Order 12866. Therefore, no regulatory analysis is required. The information collections contemplated by this part have been approved by the Office of Management and Budget under control number 3220-0039.

**List of Subjects in 20 CFR Part 335**

Railroad employees, Railroad sickness benefits.

For the reasons set out in the preamble, title 20, chapter II of the Code of Federal Regulations is amended as follows:

**PART 335—SICKNESS BENEFITS**

1. The authority citation for part 335 continues to read as follows:

**Authority:** 45 U.S.C. 362(i) and 362(l).

2. Section 335.3(a) is amended by removing "or" at the end of paragraph (a)(6), by replacing the period at the end of paragraph (a)(7) with ";", and by adding new paragraphs (a)(8) and (a)(9) to read as follows:

**§ 335.3 Execution of statement of sickness and supplemental doctor's statement.**

- (a) *Who may execute.* \* \* \*
- (8) A physician assistant-certified (PAC); or
- (9) An accredited Christian Science Practitioner.

\* \* \* \* \*

**§ 335.4 [Amended]**

3. Section 335.4(d)(5) is amended by removing the first sentence.

Dated: July 31, 1995.

By authority of the Board.

**Beatrice Ezerski,**  
*Secretary to the Board.*

[FR Doc. 95-19392 Filed 8-4-95; 8:45 am]

BILLING CODE 7905-01-M

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**21 CFR Part 177**

[Docket No. 93F-0247]

**Indirect Food Additives: Polymers**

**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 ethylene/hexene-1 copolymers containing a maximum of 20 percent by weight of polymer units derived from hexene-1 as components of articles intended for use in contact with food. This action is in response to a petition filed by Exxon Chemical Co. **DATES:** Effective August 7, 1995; written objections and requests for a hearing by September 6, 1995.

**ADDRESSES:** Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration,

rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Hortense S. Macon, Center for Food Safety and Applied Nutrition (HFS-216), Food and Drug Administration, 200 C St., SW., Washington, DC 20204, 202-418-3086.

**SUPPLEMENTARY INFORMATION:** In a notice published in the **Federal Register** of August 12, 1993 (58 FR 42976), FDA announced that a petition (FAP 3B4379) had been filed by Exxon Chemical Co., P.O. Box 1607, Baton Rouge, LA 70821-1607. The petition proposed that the food additive regulations be amended in § 177.1520 *Olefin polymers* (21 CFR 177.1520) to provide for the safe use of ethylene/hexene-1 copolymers containing a maximum of 20 percent by weight of polymer units derived from hexene-1 as components of articles intended for use in contact with food.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed use of the additive is safe and that the regulations in § 177.1520 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 21 CFR 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 6, 1995, 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 177**

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 177 is amended as follows:

**PART 177—INDIRECT FOOD ADDITIVES: POLYMERS**

1. The authority citation for 21 CFR part 177 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 177.1520 is amended by redesignating paragraph (a)(3)(i)(a) as (a)(3)(i)(a)(1) and by adding a new paragraph (a)(3)(i)(a)(2), and in the table in paragraph (c) by revising item 3.2a under the heading "Olefin polymers" to read as follows:

**§ 177.1520 Olefin polymers.**

\* \* \* \* \*

- (a) \* \* \*
- (3) \* \* \*
- (i) \* \* \*
- (a) \* \* \*

(2) Olefin basic copolymers manufactured by the catalytic copolymerization of ethylene and hexene-1 shall contain not less than 80 but not more than 90 weight percent of polymer units derived from ethylene.

\* \* \* \* \*

(c) Specifications:

Olefin polymers	Density	Melting point (MP) or softening point (SP) (Degrees Centigrade)	Maximum extractable fraction (expressed as percent by weight of polymer) in N-hexane at specified temperatures	Maximum soluble fraction (expressed as percent by weight of polymer) in xylene at specified temperatures
3.2a Olefin copolymers described in paragraph (a)(3)(i) of this section for use in articles used for packing or holding food during cooking; except olefin copolymers described in paragraph (a)(3)(i)(c)(2) of this section and listed in item 3.2b of this table; except that olefin copolymers containing 89 to 95 percent ethylene with the remainder being 4-methyl-pentene-1 contacting food Types III, IVA, V, VIIA, and IX identified in § 176.170(c) of this chapter, Table 1, shall not exceed 0.051 millimeter (mm) (0.002 inch (in)) in thickness when used under conditions of use A and shall not exceed 0.102 mm (0.004 in) in thickness when used under conditions of use B, C, D, E, and H described in § 176.170(c) of this chapter, Table 2. Additionally, olefin copolymers described in (a)(3)(i)(a)(2) of this section may be used only under conditions of use B, C, D, E, F, G, and H described in § 176.170(c) of this chapter, Table 2, in contact with all food types identified in § 176.170(c) of this chapter, Table 1.	0.85–1.00		2.6 percent at 50 °C	Do.

\* \* \* \* \*

Dated: July 22, 1995.

**Janice F. Oliver,**

*Deputy Director for Systems and Support,  
Center for Food Safety and Applied Nutrition.*

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BILLING CODE 4160-01-F

**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**26 CFR Part 1**

[TD 8607]

RIN 1545-AS98

**Allowances Received by Members of the Armed Forces in Connection With Moves to New Permanent Duty Stations**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Final regulations.

**SUMMARY:** This document contains final regulations relating to the exclusion from gross income under section 61 of the Internal Revenue Code of 1986 (Code) of certain allowances received by

members of the uniformed services in connection with a change of permanent duty station. The final regulations are required because of amendments to the law made by section 13213(a)(1) of the Omnibus Budget Reconciliation Act of 1993 (OBRA 1993), 107 Stat. 473 (1993), which redefined the term *moving expenses* under section 217(b) of the Code. Persons affected by the final regulations are members of the uniformed services (the Armed Forces, the commissioned corps of the National Oceanic and Atmospheric Administration, and the commissioned corps of the Public Health Service).

**DATES:** These regulations are effective August 7, 1995. For dates of applicability, see "Effective date" portion under **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Marilyn E. Brookens, (202) 622- 1585 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

**Background**

This document contains amendments to the Income Tax Regulations (26 CFR part 1) under sections 61 and 217 of the Internal Revenue Code (Code) that are

required because of the amendment of section 217(b) by OBRA 1993. In Notice 94-59, 1994- 1 C.B. 371, the IRS announced its intention to issue guidance to clarify that certain allowances received by members of the Armed Forces continue to be excludable from gross income notwithstanding the amendment of section 217(b).

On December 21, 1994, temporary regulations (TD 8575) relating to military expense allowances under sections 61 and 217 (relating to definitions of gross income and of moving expenses) were published in the **Federal Register** (59 FR 65711). A notice of proposed rulemaking (IA-50-94) relating to the same subjects was published in the **Federal Register** for the same day (59 FR 65739). No public hearing was requested or held.

Written comments regarding the regulations were received. After consideration of all the comments, the regulations proposed by IA-50-94 are adopted as revised by this Treasury decision, and the corresponding temporary regulations are withdrawn. The comments are discussed below.