

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]
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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.
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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