

Rules and Regulations

Federal Register

Vol. 62, No. 173

Monday, September 8, 1997

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 922

[Docket No. 9607292-6192-03]

RIN 0648-AD85

Florida Keys National Marine Sanctuary Final Regulations

AGENCY: Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Final rule; correction.

SUMMARY: This document sets forth the Office of Management and Budget (OMB) control number for the collection of information requirements in the Florida Keys National Marine Sanctuary final regulations. Although the collection of information requirements for the Sanctuary regulations had been approved by OMB when these regulations were issued, the OMB control number was inadvertently omitted from the **Federal Register** documents issuing the final regulations.

FOR FURTHER INFORMATION CONTACT: Richard Roberts, (301) 713-3525, ext. 115.

SUPPLEMENTARY INFORMATION: Pursuant to the Florida Keys National Marine Sanctuary and Protection Act and the National Marine Sanctuaries Act, NOAA developed a comprehensive final management plan and implementing regulations for the Florida Keys National Marine Sanctuary (FKNMS or the Sanctuary). NOAA issued final regulations to implement that plan and govern the conduct of activities within the Sanctuary on January 30, 1997 (62 FR 4578). These regulations were modified on June 12, 1997 (62 FR

32154). The January 30, 1997, **Federal Register** document contained, under "V Miscellaneous Rulemaking Requirements", a discussion of the Paperwork Reduction Act, and indicated that the collection of information requirements contained in the final rule was approved by OMB (62 FR 4578, 4606). However, the OMB control number was inadvertently omitted. The collection of information requirements contained in the final Sanctuary regulations had been approved under OMB control number 0648-0141.

The final rule published on January 30, 1997 (62 FR 4578), Docket Number 97-1870, is corrected by adding the following sentence to page 4606, column 2, under the heading "Paperwork Reduction Act", at the end of the second paragraph:

The collection of information requirements has been approved under OMB control number 0648-0141.

Dated: August 14, 1997.

Nancy Foster,

Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 97-23672 Filed 9-5-97; 8:45 am]

BILLING CODE 3510-12-M

RAILROAD RETIREMENT BOARD

20 CFR Parts 222 and 229

RIN 3220-AB28

Family Relationships; Social Security Overall Minimum Guarantee

AGENCY: Railroad Retirement Board.

ACTION: Final rule.

SUMMARY: In accord with amendments to the Social Security Act made by section 104 of Public Law 104-121, the Railroad Retirement Board hereby amends its regulations to eliminate the "living with" requirement as an alternative to actual dependency as a basis for eligibility for an annuity as the stepchild of a railroad employee, and to provide for termination of the inclusion of a stepchild in the computation of the social security overall minimum guarantee provision when the stepparent's marriage to the natural parent is terminated.

EFFECTIVE DATE: This rule will become effective October 8, 1997.

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

FOR FURTHER INFORMATION CONTACT: Michael C. Litt, General Attorney, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611, telephone (312) 751-4929, TTD (312) 751-4701.

SUPPLEMENTARY INFORMATION: Section 2(d)(4) of the Railroad Retirement Act provides in pertinent part that a child is deemed dependent if the conditions set forth in sections 202(d)(3), (4), and (9) of the Social Security Act are met. Since section 202(d)(4), as amended by Public Law 104-121, requires as a condition of dependency that the child have received one-half his or her support from the stepparent, and eliminates the alternative of the child having lived with the stepparent as a means of establishing dependency, this change in the definition of dependency in regard to stepchildren applies to benefits paid under the Railroad Retirement Act. Specifically, it will impact upon the entitlement of a spouse or survivor of an employee whose entitlement is based upon having a stepchild of the employee in care, or on an individual seeking a child's annuity as a stepchild of an employee. In these instances, actual dependency on the employee will have to be established for purposes of entitlement. The amendment is effective with respect to the benefits of individuals who become entitled to benefits for July 1996 and later.

The change will also affect the inclusion of auxiliary beneficiaries in the computation of the employee annuity under the social security overall minimum guarantee provision of the Railroad Retirement Act. The social security overall minimum guarantee provision guarantees that a railroad retirement annuitant will receive, in combined benefits under the Railroad Retirement and Social Security Acts, not less than the amount which would have been paid to the employee and members of his family under the Social Security Act if the employee's railroad service had been creditable under that Act.

Public Law 104-121 also amends section 202(d)(1) of the Social Security Act to provide that a child's benefits based on the earnings record of a stepparent will terminate the month after the month in which the stepparent and the natural parent are divorced. The

Railroad Retirement Act contains its own termination provisions: section 5(c)(7) of that Act specifies when a child's annuity paid under the Railroad Retirement Act terminates. Therefore, this amendment to section 202(d)(1) does not directly apply to benefits paid under the Railroad Retirement Act. However, it will affect the inclusion of auxiliary beneficiaries in the computation of the social security overall minimum guarantee provision.

Consequently, under section 202(d)(1), as amended, if the marriage of a railroad employee stepparent and natural parent is terminated, then the stepchild would no longer be included in the computation under the social security overall minimum guarantee provision. Therefore, the Board is proposing to amend its regulations to provide that the inclusion of the stepchild in the computation under the social security overall minimum guarantee provision will terminate when the marriage of the stepparent and the natural parent is terminated.

The Board published this rule as a proposed rule on May 22, 1997 (62 FR 27989), and invited comments by July 21, 1997. None were received.

The Office of Management and Budget has determined that this is not a significant regulatory action under Executive Order 12866. There are no new information collections associated with this rule.

List of Subjects in 20 CFR Parts 222 and 229

Railroad employees, Railroad retirement.

For the reasons set out in the preamble, title 20, chapter II, parts 222 and 229 of the Code of Federal Regulations are amended as follows:

PART 222—FAMILY RELATIONSHIPS

1. The authority citation for part 222 continues to read as follows:

Authority: 45 U.S.C. 231f.

§ 222.55 [Amended]

2. Section 222.55 is amended by removing the words "is living with or".

PART 229—SOCIAL SECURITY OVERALL MINIMUM GUARANTEE

3. The authority citation for part 229 continues to read as follows:

Authority: 45 U.S.C. 231f(b)(5).

4. Section 229.42 is amended by removing the period at the end of paragraph (f), by adding "; or" to the end of paragraph (f), and by adding a new paragraph (g) to read as follows:

§ 229.42 When a child can no longer be included in computing an annuity rate under the overall minimum.

* * * * *

(g) In the case of a stepchild of the employee, the month after the month in which the divorce between the stepparent and the natural parent becomes final.

Dated: August 27, 1997.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 97-23675 Filed 9-5-97; 8:45 am]

BILLING CODE 7905-01-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 914

[SPATS No. IN-127-FOR; State Program Amendment No. 95-5]

Indiana Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is approving a proposed amendment to the Indiana regulatory program (hereinafter referred to as the "Indiana program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Indiana proposed revisions to its rules pertaining to an exemption for coal extraction incidental to the extraction of other minerals. The amendment is intended to revise the Indiana program to be consistent with the corresponding Federal regulations. **EFFECTIVE DATE:** September 8, 1997.

FOR FURTHER INFORMATION CONTACT: Andrew R. Gilmore, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Minton-Capehart Federal Building, 575 North Pennsylvania Street, Room 301, Indianapolis, Indiana 46204-1521, Telephone (317) 226-6700.

SUPPLEMENTARY INFORMATION:

- I. Background on the Indiana Program
- II. Submission of the Proposed Amendment
- III. Director's Findings
- IV. Summary and Disposition of Comments
- V. Director's Decision
- VI. Procedural Determinations

I. Background on the Indiana Program

On July 29, 1982, the Secretary of the Interior conditionally approved the Indiana program. Background information on the Indiana program,

including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the July 26, 1982, **Federal Register** (47 FR 32107). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 914.10, 914.15, and 914.16.

II. Submission of the Proposed Amendment

By letter dated March 7, 1997 (Administrative Record No. IND-1565), Indiana submitted a proposed amendment to its program pursuant to SMCRA. Indiana submitted the proposed amendment in response to the required program amendments at 30 CFR 914.16(cc) and 914.16(dd). The proposed amendment revises the Indiana Administrative Code (IAC) at 310 IAC 12-1 pertaining to an exemption for coal extraction incidental to the extraction of other minerals.

OSM announced receipt of the proposed amendment in the April 29, 1997, **Federal Register** (62 FR 23192), and in the same document opened the public comment period and provided an opportunity for a public hearing or meeting on the adequacy of the proposed amendment. The public comment period closed on May 29, 1997. Because no one requested a public hearing or meeting, none was held.

During its review of the amendment, OSM identified a concern relating to 310 IAC 12-1-7.1(a), public availability of information submitted for an exemption for coal extraction incidental to the extraction of other minerals. The proposed rule did not specify where the information would be made available. OSM notified Indiana of this concern by letter dated June 16, 1997 (Administrative Record No. IND-1572).

By letter dated July 11, 1997 (Administrative Record No. IND-1577), Indiana responded to OSM's concern by submitting a policy statement specifying where all public documents, including information submitted under 310 IAC 12-1, would be maintained for inspection and copying by the public. Because the additional information merely clarified the provision at 310 IAC 12-1-7.1(a), OSM did not reopen the public comment period.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the proposed amendment. Revisions not specifically discussed below concern nonsubstantive wording changes, or revised cross-references and paragraph