

work and not break his or her current connection with the railroad industry. The Railroad Retirement Act requires that an employee have a current connection under the RRA for entitlement to certain benefits, including an occupational disability annuity, a supplemental annuity, and survivor benefits. The Board proposes to amend § 216.16 of its regulations in order to add the Surface Transportation Board to the list of non-railroad work that will not break a current connection.

It has been determined that this is not a significant regulatory action for purposes of Executive Order 12866; therefore, no regulatory impact analysis is required. There are no information collections associated with this rule. Because the rule simply reflects a nomenclature change, the Board dispensed with the publication of a proposed rule.

List of Subjects in 20 CFR Part 216

Railroad employees, Railroad retirement, Railroads.

For the reasons set out in the preamble, title 20, chapter II, part 216, subpart B, is amended as follows:

PART 216—ELIGIBILITY FOR AN ANNUITY

1. The authority citation for part 216 continues to read as follows:

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

2. Section 216.16 is amended by removing the “or” at the end of paragraph (b)(5)(iv), by adding “or” to the end of paragraph (b)(5)(v), and by adding paragraph (b)(5)(v)(i) to read as follows:

§ 216.16 What is regular non-railroad employment.

- * * * * *
- (b) * * *
- (5) * * *
- (v)(i) Surface Transportation Board.
- * * * * *

Dated: March 4, 1997.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 97-6142 Filed 3-11-97; 8:45 am]

BILLING CODE 7905-01-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 45

RIN 1076-AD16

Special Education

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final rule.

SUMMARY: The Bureau of Indian Affairs (BIA) is eliminating 25 CFR Part 45—Special Education as mandated by Executive Order 12866 to streamline the regulatory process and enhance the planning and coordination of new and existing regulations.

EFFECTIVE DATE: April 11, 1997.

FOR FURTHER INFORMATION CONTACT: Kenneth Whitehorn at (202) 208-3559, or Jim Martin at (202) 208-3550 Bureau of Indian Affairs, Office of Indian Education Programs, MS-3512-MIB, OIE-23, 1849 C Street NW, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: On July 2, 1996, at 61 FR 34399, the Bureau of Indian Affairs published a proposed rule to eliminate 25 CFR Part 45—Special Education. This rule is no longer necessary, as it is repetitive of 34 CFR Chapter III, Parts 300-399, and the Bureau of Indian Affairs has an agreement with the Department of Education to use those regulations. Tribes have been notified through the BIA consultation meetings and by the publication of the proposed rule. There have been no objections to this elimination. The authority to issue rules is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes, 25 U.S.C. 2 and 9.

Executive Order 12988

The Department has certified to the Office of Management and Budget (OMB) that these proposed regulations meet the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988.

Executive Order 12866

This rule is not a significant regulatory action under Executive order 12866 and has not been reviewed by the Office of Management and Budget.

Regulatory Flexibility Act

This rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act.

Executive Order 12630

The Department has determined that this rule does not have significant “takings” implications. The rule does not pertain to “taking” of private property interests, nor does it affect private property.

Executive Order 12612

The Department has determined that this rule does not have significant Federalism effects because it pertains

solely to Federal-tribal relations and will not interfere with the roles, rights and responsibilities of states.

NEPA Statement

The Department has determined that this rule does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement is required under the National Environmental Policy Act of 1969.

Unfunded Mandates Act of 1995

This rule imposes no unfunded mandates on any governmental or private entity and is in compliance with the provisions of the Unfunded Mandates Act of 1995.

Paperwork Reduction Act of 1995

This rule has been examined under the Paperwork Reduction Act of 1995 and has been found to contain no information collection requirements.

List of Subjects in 25 CFR Part 45

Education of individuals with disabilities, Special education.

PART 45—[REMOVED]

Under the authority of Executive Order 12866 and for the reasons stated above, part 45 is removed from Chapter 1 of Title 25 of the United States Code of Federal Regulations.

Dated: March 4, 1997.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 97-6218 Filed 3-11-97; 8:45 am]

BILLING CODE 4310-02-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8699]

RIN 1545-AV06

Credit for Employer Social Security Taxes Paid on Employee Tips; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to the removal of temporary regulations.

SUMMARY: This document contains a correction to the removal of temporary regulations (TD 8699) which were published in the Federal Register on Friday, December 20, 1996 (61 FR 67212). That publication removes the temporary regulations pertaining to the credit for employer FICA taxes paid