

# Rules and Regulations

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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]

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## 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