

September 16, 1997, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ASW TX E5 Alice, TX (Revised)

Alice International Airport, TX
(Lat. 27°44'27" N., long. 98°01'38" W.)
Orange Grove NALF, TX
(Lat. 27°54'04" N., long. 98°03'06" W.)
Navy Orange Grove TACAN
(Lat. 27°53'43" N., long. 98°02'33" W.)
Kingsville, Kleberg County Airport, TX
(Lat. 27°33'03" N., long. 98°01'51" W.)
Agua Dulce, Old Hoppe Place Airport, TX
(Lat. 27°48'01" N., long. 97°51'04" W.)

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of Alice International Airport and within 2 miles each side of the 135° bearing from the airport extending from the 7.5-mile radius to 9.8 miles southeast of the airport and within a 7.2-mile radius of Orange Grove NALF and within 1.6 miles each side of the 129° radial of the Navy Orange Grove TACAN extending from the 7.2-mile radius to 11.7 miles southeast of the airport and within 1.5 miles each side of the 320° radial of the Navy Orange Grove TACAN extending from the 7.2-mile radius to 9.7 miles northwest of the airport and within a 6.5-mile radius of Kleberg County Airport and within a 6.3-mile radius of Old Hoppe Place Airport excluding that airspace within the Corpus Christi, TX, Class E airspace area.

* * * * *

Issued in Fort Worth, TX, on January 7, 1998.

Albert L. Viselli,

*Acting Manager, Air Traffic Division,
Southwest Region.*

[FR Doc. 98-1225 Filed 1-16-98; 8:45 am]

BILLING CODE 4910-13-M

RAILROAD RETIREMENT BOARD

20 CFR Part 209

RIN 3220-AB21

Railroad Employers' Reports and Responsibilities

AGENCY: Railroad Retirement Board.

ACTION: Proposed rule.

SUMMARY: The Railroad Retirement Board proposes to amend its regulations to expand the methods by which compensation and service reports may be filed with the Board and to require that a social security account number be furnished for each employee for whom creditable railroad service and compensation is reported to the Board.

DATES: Comments must be submitted on or before March 23, 1998.

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

FOR FURTHER INFORMATION CONTACT: Thomas W. Sadler, Senior Attorney, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611, (312) 751-4513, TDD (312) 751-4701.

SUPPLEMENTARY INFORMATION: Employer reports are used to establish employee compensation and service records. These reports are based on payroll records. Due to changes in technology, employers now file their reports on magnetic tape and diskettes and transmit their reports by facsimile or computer-to-computer transmission (electronic filing). The punch card referred to in §§ 209.6, 209.7, 209.11, and 209.14 of the Board's regulations is an outdated medium of reporting. The quarterly report required by § 209.8 has been eliminated by the Employer Data Maintenance System. The Board proposes to amend part 209 of its regulations in order to reflect these changes. See proposed § 209.4.

The Board also proposes to amend § 209.2 to add a provision that requires each employer to furnish a social security number (SSN) for each employee for whom creditable railroad service and compensation is reported to the Board. The proposed amendment simply puts into regulation a current reporting requirement. Although not required, employers are encouraged to validate the social security numbers of their employees. In addition, the Board proposes to modify the present § 209.11 to provide that the Board shall mail annual certificates of service and compensation to employees performing service for covered employers. Under present regulation these certificates may be provided through the employer.

Finally, the Board has eliminated references to offices and titles that were eliminated as the result of a recent reorganization.

Proposed § 209.12 contains information collection requirements. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the RRB has submitted a copy of this section to the Office of Management and Budget (OMB) for its review.

Collection of Information

Employee home address report. This proposed rule would require all railroad employers to furnish to the RRB home addresses of their employees, except that after the first year in which they submitted home address information for all their employees, they would be required to submit home address information only for new hires. The

purpose of this requirement is to enable the RRB to annually mail to each active railroad employee a statement of service and compensation (Form BA-6). Railroad employers may submit this information either electronically (magnetic tape, tape cartridge, or PC diskette) or on a paper form prescribed by the RRB (Form BA-6a).

The RRB estimates that the average time for each railroad employer to furnish home address information is 15 minutes for electronic submissions and 30 minutes for paper submissions. The annual burden imposed as a result of this proposed rule would be 209 hours (94 responses × ¼ hour per response for electronic responses and 370 responses × ½ hour per response for paper responses.) The burden is based on approximately 15,000 new hires a year, of which approximately 80 percent would be reported electronically by 94 railroad employers and 20 percent would be reported on paper by 370 railroad employers.

Organizations and individuals desiring to submit comments on the information collection requirements should direct them to Laura Oliven, the Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, 226 Jackson Place, NW., Room 10235, Washington, D.C. 20503 and to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, 60611-2092.

The RRB considers comments by the public on this proposed collection of information in—

(a) Evaluating whether the proposed collection of information is necessary for the proper performance of the functions of the RRB, including whether the information will have a practical use;

(b) Evaluating the accuracy of the RRB's estimate of the burden on the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhancing the quality, usefulness, and clarity of the information to be collected; and

(d) Minimizing the burden of collection of information on those who are to respond, including the use of appropriate electronic, mechanical, or other automated collection techniques.

OMB is required to make a decision concerning the collection of information contained in these proposed regulations between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 15 days of publication. This does not affect the

deadline for the public to comment to the RRB on the proposed regulations.

The Board, with the concurrence of the Office of Management and Budget, has determined that this is not a major rule under Executive Order 12866; therefore, no regulatory impact analysis is required.

List of Subjects in 20 CFR Part 209

Railroad employees, Railroad retirement, Railroads.

For the reasons set out in the preamble, Title 20, Chapter II, Part 209 of the Code of Federal Regulations is proposed to be amended as follows:

PART 209—RAILROAD EMPLOYERS' REPORTS AND RESPONSIBILITIES

1. The authority citation for Part 209 continues to read as follows:

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

§§ 209.3 through 209.17 [Redesignated]

2. Sections 209.3 through 209.17 are redesignated as follows:

Old section	New section
209.3	209.5
209.4	209.6
209.5	(¹)
209.6	209.7
209.7	209.8
209.8	209.9
209.9	(²)
209.10	209.10
209.11	209.11
209.12	209.12
209.13	209.13
209.14	209.14
209.15	209.15
209.16	209.16
209.17	209.17

¹ New 209.4 added.
² Removed.

3. A new § 209.3 is proposed to be added as follows:

§ 209.3 Social security number required.

Each employer shall furnish to the Board a social security number for each employee for whom any report is submitted to the Board. Employers are encouraged to validate any social security number provided under this section.

(Approved by the Office of Management and Budget under control number 3220-0008)

4. A new § 209.4 is proposed to be added as follows:

§ 209.4 Method of filing.

Any report or information required to be furnished under this part shall be prepared in accordance with instructions of the Board and shall be

filed with the Board electronically, which includes the use of magnetic tape, computer diskette, electronic data interchange, or on such form as prescribed by the Board. If not filed electronically, reports shall be transmitted by facsimile or mailed directly to the Board. Any report which includes, or should include, information for 250 or more employees must be filed electronically, as described in this section.

5. Newly designated § 209.6 is proposed to be revised to read as follows:

§ 209.6 Employers' notice of death of employees.

Each employer shall notify the Board immediately of the death of an employee who, prior to the employee's death, performed compensated service which has not been reported to the Board.

(Approved by the Office of Management and Budget under control number 3220-0005)

6. Newly designated § 209.7 is proposed to be revised to read as follows:

§ 209.7 Employers' supplemental reports of service.

Each employer shall furnish the Board a report of the current year service of each employee who ceases work for the purpose of retiring under the provisions of the Railroad Retirement Act.

(Approved by the Office of Management and Budget under control number 3220-0005)

7. Newly designated § 209.8 is proposed to be revised to read as follows:

§ 209.8 Employers' annual reports of creditable service and compensation.

Each year, on or before the last day of February, each employer is required to make an annual report of the creditable service and compensation (including a report that there is no compensation or service to report) of employees who performed compensated service in the preceding calendar year. The annual report shall include service and compensation previously furnished in supplemental reports and notices of death. The reports must be accompanied by a report specification sheet prescribed by the Board as described in § 200.2 of this chapter.

(Approved by the Office of Management and Budget under control number 3220-0008).

8. Newly designated § 209.9(c) is proposed to be revised to read as follows:

§ 209.9 Employers' adjustment reports.

* * * * *

(c) Employers submitting adjustment reports covering pay for time lost as an employee shall report this compensation as provided for in § 211.3 of this chapter. Adjustment reports may be submitted to the Board each month.

(Approved by the Office of Management and Budget under control number 3220-0008)

9. Section 209.8 is proposed to be removed.

10. Newly designated § 209.10 is amended by removing "Director of Research and Employment Accounts" and adding in its place "Board", and by removing "§ 209.6(a)" and adding in its place "§ 209.8(a)".

11. Newly designated § 209.11 is proposed to be revised to read as follows:

§ 209.11 Employee representatives' reports.

An individual claiming status as an employee representative shall describe his or her duties as an employee representative on the form prescribed by the Board. The Board shall determine whether the individual claiming to be an employee representative meets the requirements for such a status. If the individual is determined to be an employee representative, he or she is required to make an annual report of creditable compensation as provided for in § 209.8 of this part. If an employee representative's status is terminated, the last report of service and compensation shall be marked Final Compensation Report.

(Approved by the Office of Management and Budget under control number 3220-0014)

12. Newly designated § 209.12 is proposed to be revised to read as follows:

§ 209.12 Certificates of service months and compensation.

(a) Each year the Board shall provide each employee who performed compensated service in the preceding calendar year a certificate of service months and compensation. This certificate is the employee's record of the service and compensation credited to his or her account at the Board. An employee who for any reason does not receive a certificate may obtain one from the nearest Board district office or may write the Board for one.

(b) By April 1 of each year each employer shall provide the Board the current address of each employee for whom it had reported compensation. This requirement shall not apply in the case of an employee for whom the employer had previously provided an address.

13. Newly designated § 209.13(b) is proposed to be revised to read as follows:

§ 209.13 Employers' gross earnings reports.

* * * * *

(b) Employers shall submit reports annually for employees in the gross earnings sample. Such reports shall include the employee's gross annual earnings, both taxable and non-taxable compensation, for the year. Employers with 5,000 or more employees shall provide a monthly or quarterly breakdown of the year's earnings. Employers with fewer than 5,000 employees may submit an annual amount only, although a monthly or quarterly breakdown is preferable. Gross earnings are to be counted for the same time period as used in determining the employer's annual report of creditable compensation. The reports are to be prepared in accordance with prescribed instructions and filed in accordance with § 209.4 of this part.

(Approved by the Office of Management and Budget under control number 3220-0132)

14. Newly designated § 209.14 is proposed to be amended by removing paragraph (a), by removing paragraph designation "(b)" before the second paragraph, and by removing the terms "Director of Research and Employment Accounts" and "Director" wherever those terms appear, and by adding in their place "Board".

15. Newly designated § 209.15 is proposed to be revised to read as follows:

§ 209.15 Report of separation allowances subject to tier II taxation.

For any employee who is paid a separation payment, the employer must file a report of the amount of the payment. This report shall be submitted to the Board on or before the last day of the month following the end of the calendar quarter in which payment is made. The report must be accompanied by a report indication/specification sheet prescribed by the Board as described in § 200.3(a)(2)(ii) of this chapter.

(Approved by the Office of Management and Budget under control number 3220-0173)

16. Newly designated § 209.16 is amended by revising the reference "§ 209.7" to read "209.9"; "209.13" to read "209.14" and "209.14" to read "209.15" wherever they appear; and by removing "Director of Research and Employment Accounts" wherever it appears and adding in its place "Board".

Dated: January 8, 1998.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 98-1245 Filed 1-16-98; 8:45 am]

BILLING CODE 7905-01-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 913

[SPATS No. IL-098-FOR]

Illinois Regulatory Program

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

ACTION: Proposed rule; withdrawal of proposed amendment.

SUMMARY: OSM is announcing the withdrawal of a proposed amendment to the Illinois regulatory program (hereinafter the "Illinois program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment concerned a revision to the Illinois regulations pertaining to administrative review. Illinois is withdrawing the amendment at its own initiative.

FOR FURTHER INFORMATION CONTACT: Andrew R. Gilmore, Director, Indianapolis Field Office, Telephone: (317) 226-6700.

SUPPLEMENTARY INFORMATION: By letter dated November 3, 1997 (Administrative Record No. IL-5000), Illinois submitted a proposed amendment to its program pursuant to SMCRA. Illinois submitted the proposed amendment at its own initiative. In its submission letter, Illinois stated the amendment was necessitated by a permit review case wherein the hearing officer found that the Department's burden of proof standard was improper. The hearing officer ruled that a preponderance of the evidence standard was the appropriate standard to apply in a permit review proceeding. On a subsequent appeal of the administrative case, the circuit court agreed that the clearly erroneous standard was invalid and that the preponderance of the evidence standard was the correct standard to apply (Citizens Organizing Project v. IDNR, 96-MR-126, Sangamon County Circuit Court). The provision of Title 62, Illinois Administrative Code (IAC) that Illinois proposed to amend is at 62 IAC 1847.3(g), permit hearings. Specifically, Illinois proposed to delete the existing language at 62 IAC 1847.3(g) and replace it with the following language:

The standard of proof in a hearing conducted under this Section shall be the preponderance of the evidence.

OSM announced receipt of the proposed amendment in the November 26, 1997, **Federal Register** (62 FR 63045) and invited public comment on its adequacy. The public comment period ended December 26, 1997.

On December 17, 1997 (Administrative Record No. IL-5005), Illinois requested that the proposed amendment be withdrawn, and stated the proposal is being revised and will be resubmitted when it is finalized.

Therefore, the proposed amendment announced in the November 26, 1997, **Federal Register** is withdrawn.

List of Subjects in 30 CFR Part 913

Intergovernmental relations, Surface mining, Underground mining.

Dated: January 9, 1998.

Brent Wahlquist,

Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 98-1214 Filed 1-16-98; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 916

[SPATS No. KS-017-FOR]

Kansas Regulatory Program and Abandoned Mine Land Reclamation Plan

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

ACTION: Proposed Rule; Reopening and Extension of Public Comment Period on Proposed Amendment.

SUMMARY: OSM is announcing receipt of revisions pertaining to a previously proposed amendment to the Kansas regulatory program (hereinafter referred to as the "Kansas program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The revisions for Kansas's proposed rules pertain to definitions; application for mining permit; civil penalties; permit transfers, assignments, and sales; termination of jurisdiction; exemption for coal and extraction incident to government-financed highway or other construction; exemption for coal extraction incident to the extraction of other minerals; coal exploration; bonding procedures; performance standards; eligible lands and water; liens; contractor responsibility;