Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On Tuesday, September 17, 1996, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify Class E5 airspace at Bowling Green, Wood County Airport to accommodate diverse departure traffic from Wood County Airport (61 FR 48869). The proposal was to add controlled airspace extending upward from 700 to 1200 feet AGL to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9D dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class E5 airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) modifies Class E5 airspace at Bowling Green, Wood County Airport to accommodate diverse departure traffic from Wood County Airport. Controlled airspace extending upward from 700 to 1200 feet AGL is needed to contain aircraft executing the approach. The area will be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the area or otherwise comply with IFR procedures.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

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

* * * * *

AGL OH E5 Toledo, OH [Revised]

Bowling Green, Wood County Airport, OH (lat. 41°23′28″N., long. 83°37′49″W.)

That airspace extending upward from 700 feet or more above the surface within the area bounded by a line beginning at lat. 41°40′00″N., long. 84°20′00″W.; to lat. 41°49′00″N., long. 83°37′00″W.; to lat. 41°34′00″N., long. 89°19′00″N.; to lat. 41°15′00″N., long. 83°34′00″W.; to lat. 41°22′00″N., long. 84°05′00″W.; to the point of beginning.

* * * * *

Issued in Des Plaines, Illinois on January 9, 1997.

Maureen Woods,

Manager, Air Traffic Division.

[FR Doc. 97–1925 Filed 1–24–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 922

[Docket No. 970103001–7001–01]

RIN 0648–XX79

Point Reyes/Farallon Islands National Marine Sanctuary; Name Change

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

ACTION: Final rule, technical amendment.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) is changing the name of the Point Reyes/Farallon Islands National Marine Sanctuary to the Gulf of the Farallones National Marine Sanctuary.

EFFECTIVE DATE: January 27, 1997.

FOR FURTHER INFORMATION CONTACT:

Elizabeth Moore at (301) 713–3141.

SUPPLEMENTARY INFORMATION: The Point Reyes/Farallon Islands National Marine Sanctuary (Sanctuary) was designated in 1981. Soon after its designation the Sanctuary was commonly referred to as the Gulf of the Farallones National Marine Sanctuary. This name was used to reflect the area's bioregion and location, and because it was a more simple and familiar way for the public and NOAA to refer to the Sanctuary. In 1987, with the preparation of a management plan for the site, the name Gulf of the Farallones National Marine Sanctuary was adopted by NOAA. Consequently, the name Gulf of the Farallones has been commonly used by NOAA, State and Federal agencies and the public for nearly ten years and is the name by which the Sanctuary and area is known. By this final rule, NOAA is officially changing the name of the Sanctuary to the Gulf of the Farallones National Marine Sanctuary to reflect its commonly used name, and to remove any remaining misunderstanding which may arise because the Code of Federal Regulations refers to the Sanctuary by its original name.

Because this amendment is technical in nature, having no substantive impact, no useful purpose would be served by providing notice and opportunity for comment under the Administrative Procedure Act. Accordingly, the Acting Deputy Assistant Administrator for Ocean Services and Coastal Zone Management under 5 U.S.C. 553(b)(B) for good cause finds that providing notice and opportunity for comment is unnecessary. Nor is a 30-day delay in effective date required under 5 U.S.C. 553(d) due to the non-substantive nature of this technical amendment.

Authority: 16 U.S.C. § 1431 *et seq.*

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: January 17, 1997.

David L. Evans,

Acting Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

Accordingly, for the reasons set forth above, 15 CFR Part 922 is amended as follows:

PART 922—[AMENDED]

1. The authority citation for part 922 continues to read as follows:

Authority: 16 U.S.C. 1431 *et seq.*

2. Part 922 is amended by deleting ''Point Reyes/Farallon Islands National Marine Sanctuary'' wherever it appears and replacing it with ''Gulf of the Farallones National Marine Sanctuary.''

[FR Doc. 97–1872 Filed 1–24–97; 8:45 am]

BILLING CODE 3510–08–M

RAILROAD RETIREMENT BOARD

20 CFR Part 211

RIN 3220–AB10

Finality of Records of Compensation

AGENCY: Railroad Retirement Board.

ACTION: Final rule.

SUMMARY: The Railroad Retirement Board (Board) hereby adopts regulations pertaining to the finality of reports of compensation. The regulations relate to corrections to records of compensation more than four years after the date on which the compensation was required to be reported to the Board.

EFFECTIVE DATE: January 27, 1997.

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, telephone (312) 751–4513, TTD (312) 751–4701.

SUPPLEMENTARY INFORMATION: This rule amends part 211 of the Board's regulations (Creditable Railroad Compensation) by adding a new § 211.16 to that part. Under section 9 of the Railroad Retirement Act, the Board will not change an employee's record of reported compensation if the change is requested more than four years after the report of compensation is required to be filed under § 209.6 of the Board's regulations. Section 211.16 explains when the Board will change a record of compensation beyond the four year period; for example, where the record is incorrect because of clerical error or fraud, where the compensation was posted to the wrong period or person, or where the compensation was originally reported to the Social Security Administration but the Board or a court has determined that it should have been reported to the Board.

On December 26, 1995, the Board published this rule as a proposed rule (60 FR 66770). The Labor Member of the Board dissented from publication of the proposed rule. His reasons for doing so were set forth in the Supplementary Information section of the proposed rule (60 FR 66770). Comments on the proposed rule were invited on or before February 26, 1996. Three comments were received with respect to the proposed rule. Two commentors indicated agreement with the views of the Labor Member and urged the Board to adopt those views. One of these commentors also suggested that it is inequitable to put on the employee the burden of the consequences of erroneous reporting by employers or erroneous action by a Government agency. A third commentor (the joint comments of the Association of American Railroads and representatives of rail labor) submitted comments and suggested certain changes to the proposed rule. The Board has considered these comments and has made changes as explained below.

The rule, which is now being adopted as a final rule, protects the interests of employees, but also protects the integrity of the trust funds which fund the benefits paid by the agency. Employees have the right to request the Board to credit service and compensation under the Railroad Retirement Act. Accordingly, an employee who believes that he should receive credit, either because he believes that he has been misclassified as an independent contractor or because he believes that his employer should be a covered employer under the Railroad Retirement Act, can notify the Board so the Board can investigate the situation. The final regulation gives recognition to this right but protects the integrity of the trust funds by requiring employees to come forward in a timely manner to contest the correctness of their service and compensation records. By requiring timely protests the regulation puts the Government in a better position to collect any employment taxes associated with the service and compensation correction. It should also be noted that an employee who does not receive full retroactive service credit because he did not timely protest his employment record would still receive social security credit for the service in question, which social security covered credit would be used in computing any tier I benefit under the Railroad Retirement Act.

As noted above, the Board has revised the proposed rule in accordance with comments received. In response to a concern of the Labor Member, which was repeated by the commentors, to the effect that an employee may not receive credit in certain circumstances under either the Railroad Retirement Act or the Social Security Act, the Board has added language to § 211.16(c) to clarify that this will not happen. The comment concerned a situation where a company has been ruled an employer but taxes have not been paid for service more than 4 years in the past. Under the final rule service more than four years in the past would not be creditable under the RRA. There was concern that in this situation the service might not be creditable under the SSA. First of all, the Board does not believe that the service would be removed under the Social Security Act; however, if this were to occur, the Railroad Retirement Board would use this service and wages in computing the tier I component of the employee's railroad retirement annuity pursuant to section 1(h)(8) of the Railroad Retirement Act (45 U.S.C. 231(h)(8)). Under section 1(h)(8) of the Railroad Retirement Act remuneration that has been subject to tier I railroad retirement taxes, which is how the Board would view wage credits removed under the Social Security Act, is considered to be creditable compensation for the computation of railroad retirement tier I benefits. As noted above, language has been added to section 211.16(c) to clarify this result. If the employee does not accrue the minimum 120 months of railroad retirement service prior to retirement or death so as to be qualified for benefits under the Railroad Retirement Act, his railroad service and compensation will be transferred to the Social Security Administration and used in computing any benefits payable under the Social Security Act.

The other change that has been made in the final rule is the addition of an exception to the general bar against crediting compensation retroactive more than four years without the payment of taxes. The exception would apply in the case of an employee's record that is erroneous as a result of fraudulent reporting by the employee's employer.

The Office of Management and Budget determined that this is a significant regulatory action under Executive Order 12866 and has approved its publication as a final rule. There are no information collections associated with this rule.