

§ 228.508 [Corrected]

1. On page 543, in the first column, in § 228.508, paragraph (j), on the sixth line, the phrase "during the offering" is corrected to read "in connection with the offering".

§ 229.508 [Corrected]

2. On page 543, in the second column, in § 229.508, paragraph (l), on the sixth line, the phrase "during the offering" is corrected to read "in connection with the offering".

§ 239.37 [Amended]

3. Form F-7 (referenced in § 239.37) is amended by removing the phrase "Rules 10b-6, 10b-7 and 10b-8 under the Exchange Act" from General Instruction III.A. and adding, in its place, the phrase "Regulation M (17 CFR 242.100 through 242.105)".

Note: Form F-7 does not appear in the Code of Federal Regulations.

§ 239.38 [Amended]

4. Form F-8 (referenced in § 239.38) is amended by removing the phrase "Rules 10b-6, 10b-7 and 10b-13 under the Exchange Act. [See Exchange Act Release No. 29355 (June 21, 1991) containing exemptions from Rules 10b-6 and 10b-13.]" from General Instruction V.A. and adding, in its place, the phrase "Regulation M (17 CFR 242.100 through 242.105) and Rule 10b-13 under the Exchange Act [See Exchange Act Release No. 29355 (June 21, 1991) containing an exemption from Rule 10b-13.]".

Note: Form F-8 does not appear in the Code of Federal Regulations.

§ 239.39 [Amended]

5. Form F-9 (referenced in § 239.39) is amended by removing the phrase "Rules 10b-6 and 10b-7 under the Exchange Act" from General Instruction III.A. and adding, in its place, the phrase "Regulation M (17 CFR 242.100 through 242.105)".

Note: Form F-9 does not appear in the Code of Federal Regulations.

§ 239.40 [Amended]

6. Form F-10 (referenced in § 239.40) is amended by removing the phrase "Rules 10b-6 and 10b-7 under the Exchange Act" from General Instruction III.A. and adding, in its place, the phrase "Regulation M (17 CFR 242.100 through 242.105)".

Note: Form F-10 does not appear in the Code of Federal Regulations.

§ 240.10b-18 [Corrected]

7. On page 543, in the third column, in § 240.10b-18, paragraph (a)(3)(i), the third line is corrected by inserting a

comma between the words "chapter" and "during" and, in the fifth line, the phrase "common stock, or during a distribution" is corrected to read "common stock or a distribution".

§ 240.13e-4 [Corrected]

8. On page 544, in the first column, in § 240.13e-4, instruction 19 is revised to read:

Section 240.13e-4 is amended by removing the phrase "an issuer's plan, as that term is defined in § 242.100 of Regulation M" from paragraph (h)(5)(i) and adding, in its place, the phrase "a plan as that term is defined in § 242.100 of this chapter".

§ 242.100 [Corrected]

9. On page 545, in the second column, in the sixth paragraph, the 15th line is corrected by inserting the phrase "the source of the shares to fund the plan," after the word "period" and before the phrase "the basis".

10. On page 545, in the second column, in the sixth paragraph, the 16th line is corrected by inserting a comma after the word "plan" and before the word "or".

11. On page 545, in the second column, in the ninth paragraph commencing "Business day", the paragraph is revised to read as follows: "Business day refers to a 24 hour period determined with reference to the principal market for the securities to be distributed, and that includes a complete trading session for that market."

§ 242.102 [Corrected]

12. On page 547, in the third column, in the seventh paragraph, in the fifth line, the phrase "paragraph (b)(6)(i)" is corrected to read "paragraph (b)(7)(i)".

§ 242.104 [Corrected]

13. On page 549, in the first column, in paragraph (j)(2)(i), in the 11th line, the phrase "preceding business day" is corrected to read "most recent prior day of trading in the principal market".

14. On page 550, in the second column, in paragraph (j)(2)(ii), in the fifth line, the phrase "paragraph (j)(1)" is corrected to read "paragraph (j)(2)(i)".

By the Commission,
Dated: March 4, 1997.
Margaret H. McFarland,
Deputy Secretary.

Note: Appendix A to the Preamble will not appear in the Code of Federal Regulations.

Appendix A—Regulatory Flexibility Act Certification

I, Arthur Levitt, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that: amendments

to Rule 100 under Regulation M, Rule 104 under Regulation M, Rule 10b-18 under the Securities Exchange Act of 1934 ("Exchange Act"), Rule 13e-4 under the Exchange Act, Item 508 under Regulation S-B, Item 508 under Regulation S-K, and Forms F-7, F-8, F-9, and F-10 under the Securities Act of 1933 ("Securities Act"), when promulgated, will not have a significant economic impact on a substantial number of small entities.

The amendments noted above are intended to correct mistakes or oversights in the drafting of Regulation M and amendments to related rules and regulations. They are technical changes that do not affect the application of the rules to small entities. Furthermore, these amendments do not affect the Final Regulatory Flexibility Act analysis prepared in conjunction with the adoption of Regulation M and amendments to related rules, available in Public File No. S7-11-96.

Dated: March 4, 1997.

Arthur Levitt,
Chairman.

[FR Doc. 97-5837 Filed 3-11-97; 8:45 am]

BILLING CODE 8010-01-P

RAILROAD RETIREMENT BOARD

20 CFR Part 216

RIN 3220-AB22

Eligibility for an Annuity

AGENCY: Railroad Retirement Board.

ACTION: Final rule.

SUMMARY: The Railroad Retirement Board amends its regulations to add the Surface Transportation Board to the list of entities for which employment will not break a "current connection" with the railroad industry which is necessary for the payment of occupational disability annuities and survivor annuities under the Railroad Retirement Act.

EFFECTIVE DATE: March 12, 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 (312) 751-4513, TDD (312) 751-4701.

SUPPLEMENTARY INFORMATION: Public Law 104-88, the ICC Termination Act of 1995, 109 Stat. 803, abolished the Interstate Commerce Commission and transferred many of the functions of that agency to a new entity, the Surface Transportation Board, within the Department of Transportation. Section 323 of that Act amended section 1(o) of the Railroad Retirement Act (45 U.S.C. 231(o)) to add the Surface Transportation Board as an entity for whom a former railroad worker may

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