

§ 4000.1 General.

The Economics Management Staff (EMS) was established on September 30, 1981 (46 FR 47753), in response to Secretary's Memorandum 1000-1 of June 17, 1981, entitled "Reorganization of Department." The primary responsibility of EMS is to provide a comprehensive program of management support services to the agencies reporting to the Assistant Secretary for Economics of the U.S. Department of Agriculture.

§ 4000.2 Organization.

EMS maintains its offices in the South Building of the U.S. Department of Agriculture, 12th and Independence Avenue SW., Washington, DC 20250, and at 1301 New York Avenue NW., Washington, DC 20005-4789. The organization consists of (a) the Director; (b) Deputy Director; (c) four Divisions: Administrative Services Division, Budget and Finance Division, Information Division, and Personnel Division; and (d) Equal Opportunity and Civil Rights Staff.

§ 4000.3 Functions.

(a) *Director.* The Director is responsible for formulating, recommending, coordinating, and administering a comprehensive program of management support services for the Economic Research Service, the National Agricultural Statistics Service, the Office of Energy, the Economic Analysis Staff, the World Agricultural Outlook Board, and EMS itself.

(b) *Deputy Director.* The Deputy Director is responsible for advising and counseling the Director and shares the responsibility for administering the management support services program.

(c) *Director, Administrative Services Division.* The Director, Administrative Services Division, is responsible for formulating, recommending, implementing, and directing procurement policy and services, real and personal property management, paperwork management, Freedom of Information Act and Privacy Act administration, management analysis, and related services.

(d) *Director, Budget and Finance Division.* The Director, Budget and Finance Division, is responsible for formulating, recommending, implementing, and directing budgetary and related financial management services.

(e) *Director, Information Division.* The Director, Information Division, is responsible for formulating, recommending, implementing, and directing a comprehensive information dissemination program.

(f) *Director, Personnel Division.* The Director, Personnel Division, is responsible for formulating, recommending, implementing, and directing a comprehensive personnel management program including classification, staffing, employee development, and employee relations.

(g) *Director, Equal Opportunity and Civil Rights Staff.* The Director, Equal Opportunity and Civil Rights Staff, formulates, recommends, implements, and directs comprehensive equal opportunity and civil rights programs for all serviced agencies.

§ 4000.4 Authority to act for the Director.

When the Director is absent, the following officials are designated to serve as Acting Director in the order indicated:

Deputy Director
Director, Personnel Division
Director, Administrative Services Division
Director, Budget and Finance Division
Director, Information Division

PART 4001—AVAILABILITY OF INFORMATION TO THE PUBLIC**Sec.****4001.1 General.****4001.2 Public inspection, copying, and indexing.****4001.3 Requests for records.****4001.4 Denials.****4001.5 Appeals.**

Authority: 5 U.S.C. 301 and 552; 7 CFR 1.1-1.23 and Appendix A.

§ 4001.1 General.

This part is issued in accordance with the regulations of the Secretary of Agriculture in §§ 1.1 through 1.23 of this title and Appendix A thereto, implementing the Freedom of Information Act (FOIA) (5 U.S.C. 552), and governs the availability of records of the Economics Management Staff (EMS) to the public.

§ 4001.2 Public inspection, copying, and indexing.

5 U.S.C. 552(a)(2) requires that certain materials be made available for public inspection and copying and that a current index of these materials be published quarterly or otherwise be made available. EMS does not maintain any materials within the scope of these requirements.

§ 4001.3 Requests for records.

Requests for records of EMS shall be made in accordance with § 1.6 (a) and (b) of this title and addressed to: Economics Agencies FOIA Officer, Economics Management Staff, USDA, Room 4310, South Building, 12th and Independence Avenue SW.,

Washington, DC 20250. This official is delegated authority to make determinations regarding such requests in accordance with § 1.3(a)(3) of this title.

§ 4001.4 Denials.

If the Economics Agencies FOIA Officer determines that a requested record is exempt from mandatory disclosure and that discretionary release would be improper, the Economics Agencies FOIA Officer shall give written notice of denial in accordance with § 1.8(a) of this title.

§ 4001.5 Appeals.

Any person whose request is denied shall have the right to appeal such denial. Appeals shall be made in accordance with § 1.6(e) of this title and addressed to the Director, Economics Management Staff, U.S. Department of Agriculture, Washington, DC 20250.

Done at Washington, DC, this 8th day of February, 1988.

Allan S. Johnson,

Director, Economics Management Staff.

[FR Doc. 88-2911 Filed 2-11-88; 8:45 am]

BILLING CODE 3410-35-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 30, 40, 60, 61, 70, 71, 72, 73, 74 and 110

Relocation of NRC Offices—NMSS, OI, and GPA

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to indicate that its Offices of Nuclear Material Safety and Safeguards (NMSS) and Investigations (OI) and portions of the Office of Governmental and Public Affairs (GPA) have relocated at the agency's new office building located at One White Flint North in Rockville, Maryland. These amendments are being made to inform NRC licensees and members of the public of the relocation of these offices.

EFFECTIVE DATE: February 12, 1988.

FOR FURTHER INFORMATION CONTACT: Donnie H. Grimsley, Director, Division of Rules and Records, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301-492-7211.

SUPPLEMENTARY INFORMATION: On January 20, 1988 (53 FR1531), the NRC

published a general notice announcing that as of January 11, 1988, the Office of NMSS had relocated at the agency's new office building located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland. The notice also announced that effective January 15, the Office of GPA's State, Local, and Indian Tribe Programs and International Programs had relocated at One White Flint North. The remainder of GPA, including Public Affairs and Congressional Affairs, will relocate at the new building in late February 1988. In addition, effective January 19, 1988, the NRC's Office of Investigations has been relocated at One White Flint North.

Because these amendments deal solely with the relocation of agency personnel, the notice and comment provisions of the Administrative Procedure Act do not apply under 5 U.S.C. 553(b)(A). These amendments are effective upon publication in the **Federal Register**. Good cause exists to dispense with the usual 30-day delay in the effective date, because these amendments are of a minor and administrative nature, dealing with the relocation of agency personnel.

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule contains no information collection requirements and therefore is not subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

List of Subjects

10 CFR Part 30

Byproduct material, Government contracts, Intergovernmental relations, Isotopes, Nuclear materials, Penalty, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 40

Government contracts, Hazardous materials—transportation, Nuclear materials, Penalty, Reporting and recordkeeping requirements, Source material, Uranium.

10 CFR Part 60

High-level waste, Nuclear power plants and reactors, Nuclear materials, Penalty, Reporting and recordkeeping

requirements, Waste treatment and disposal.

10 CFR Part 61

Low-level waste, Nuclear materials, Penalty, Reporting and recordkeeping requirements, Waste treatment and disposal.

10 CFR Part 70

Hazardous materials—transportation, Nuclear materials, Packaging and containers, Penalty, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Special nuclear material.

10 CFR Part 71

Hazardous materials—transportation, Nuclear materials, Packaging and containers, Penalty, Reporting and recordkeeping requirements.

10 CFR Part 72

Manpower training programs, Nuclear materials, Occupational safety and health, Reporting and recordkeeping requirements, Security measures, Spent fuel.

10 CFR Part 73

Hazardous materials—transportation, Incorporation by reference, Nuclear materials, Nuclear power plants and reactors, Penalty, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 74

Accounting, Hazardous materials—transportation, Material control and accounting, Nuclear materials, Packaging and containers, Penalty, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Special nuclear material.

10 CFR Part 110

Administrative practice and procedure, Classified information, Export, Import, Incorporation by reference, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Penalty, Reporting and recordkeeping requirements, Scientific equipment.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is adopting the following amendments to 10 CFR Parts 30, 40, 60, 61, 70, 71, 72, 73, 74, and 110.

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

1. The authority citation for Part 30 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

2. In § 30.6, paragraph (a)(2)(ii) is revised to read as follows:

§ 30.6 Communications.

(a) * * *

(2) * * *

(ii) 11555 Rockville Pike, One White Flint North, Rockville, Maryland.

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

3. The authority citation for Part 40 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

4. In § 40.5, paragraph (a)(2)(ii) is revised to read as follows:

§ 40.5 Communications.

(a) * * *

(2) * * *

(ii) 11555 Rockville Pike, One White Flint North, Rockville, Maryland.

5. In § 40.23, paragraph (d) is revised to read as follows:

§ 40.23 General license for carriers of transient shipments of natural uranium other than in the form of ore or ore residue.

(d) A licensee who needs to amend a notification may do so by telephoning the Division of Safeguards and Transportation at 301-492-3365.

6. In § 40.66, paragraph (c) is revised to read as follows:

§ 40.66 Requirements for advance notice of export shipments of natural uranium.

(c) A licensee who needs to amend a notification may do so by telephoning the Division of Safeguards and Transportation at 301-492-3365.

7. In § 40.67 paragraphs (c) and (d) are revised to read as follows:

§ 40.67 Requirement for advance notice for importation of natural uranium from countries that are not party to the Convention on the Physical Protection of Nuclear Material.

(c) The licensee shall notify the Division of Safeguards and

Transportation by telephone at 301-492-3365 when the shipment is received at the receiving facility.

(d) A licensee who needs to amend a notification may do so by telephoning the Division of Safeguards and Transportation at 301-492-3365.

PART 60—DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTES IN GEOLOGIC REPOSITORIES

8. The authority citation for Part 60 is revised to read as follows:

Authority: Secs. 51, 53, 62, 63, 65, 81, 161, 182, 183, 68 Stat. 929, 930, 932, 933, 935, 948, 953, 954, as amended (42 U.S.C. 2071, 2073, 2092, 2093, 2095, 2111, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846); secs. 10 and 14, Pub. L. 95-601, 92 Stat. 2951 (42 U.S.C. 2021a and 5851); sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332); sec. 121, Pub. L. 97-425, 96 Stat. 2228 (42 U.S.C. 10141).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 60.10, 60.71 to 60.75 are issued under sec. 1610, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

9. Section 60.4 is revised to read as follows:

§ 60.4 Communications.

Except where otherwise specified, all communications and reports concerning the regulations in this part and applications filed under them should be addressed to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Communications, reports, and applications may be delivered at the Commission's offices at 1717 H Street NW., Washington, DC, or 11555 Rockville Pike, Rockville, Maryland.

PART 61—LICENSING REQUIREMENTS FOR LAND DISPOSAL OF RADIOACTIVE WASTE

10. The authority citation for Part 61 is revised to read as follows:

Authority: Secs. 53, 57, 62, 63, 65, 81, 161, 182, 183, 68 Stat. 930, 932, 935, 948, 953, 954, as amended (42 U.S.C. 2073, 2077, 2092, 2093, 2095, 2111, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846); secs. 10 and 14, Pub. L. 95-601, 92 Stat. 2951 (42 U.S.C. 2021a and 5851).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); Tables 1 and 2, §§ 61.3, 61.24, 61.25, 61.27(a), 61.41 through 61.43, 61.52, 61.53, 61.55, 61.56, and 61.61 through 61.63 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 61.9a, 61.10 through 61.16, 61.24, and 61.80 are issued under sec. 1610, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

11. Section 61.4 is revised to read as follows:

§ 61.4 Communications.

Except where otherwise specified, all communications and reports concerning the regulations in this part and applications filed under them should be addressed to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Communications, reports, and applications may be delivered in person at the Commission's Offices at 1717 H Street, NW., Washington, DC, or 11555 Rockville Pike, Rockville, Maryland.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

12. The authority citation for Part 70 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

13. In § 70.5, paragraph (a)(2)(ii) is revised to read as follows:

§ 70.5 Communications.

- (a) * * *
- (2) * * *
- (ii) 11555 Rockville Pike, One White Flint North, Rockville, Maryland.

PART 71—PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL

14. The authority citation for Part 71 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

15. Section 71.1 is revised to read as follows:

§ 71.1 Communications.

All communications concerning the regulations in this part should be addressed to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, or may be delivered in person at the Commission Office at 1717 H Street, NW, Washington, DC, or its Offices at 11555 Rockville Pike, Rockville, Maryland.

PART 72—LICENSING REQUIREMENTS FOR THE STORAGE OF SPENT FUEL IN AN INDEPENDENT SPENT FUEL STORAGE INSTALLATION (ISFSI)

16. The authority citation for Part 72 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

17. Section 72.4 is revised to read as follows:

§ 72.4 Communications.

Except where otherwise specified, all communications and reports concerning the regulations in this part and applications filed under them should be addressed to the Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Division of Industrial and Medical Nuclear Safety, Washington, DC 20555. Communications, reports, and applications may be delivered in person at the Commission's Offices at 11555 Rockville Pike, Rockville, Maryland, or at 1717 H Street NW., Washington, DC.

18. In § 72.11, paragraph (a) is revised to read as follows:

§ 72.11 Filing of applications for specific licenses; oath or affirmation.

(a) *Place of filing.* (1) Each application for a license, or amendment thereof, under this part should be filed with the Director, Division of Industrial and Medical Nuclear Safety, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

(2) Applications, communications, reports, and correspondence may also be delivered in person at the Commission's Offices at 11555 Rockville Pike, Rockville, Maryland, or at 1717 H Street NW., Washington, DC.

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

19. The authority citation for Part 73 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

20. In § 73.72, paragraph (a)(4) and (a)(5) are revised to read as follows:

§ 73.72 Requirement for advance notice of shipment of formula quantities of strategic special nuclear material, special nuclear material of moderate strategic significance, or irradiated reactor fuel.

(a) * * *

(4) Notify the Division of Safeguards and Transportation by telephone at 301-492-3365 at least 10 days before the shipment commences at the shipping facility that an advance notice has been sent; and

(5) Notify the Division of Safeguards and Transportation by telephone at 301-492-3365 of any changes to the shipment itinerary.

21. In § 73.73, paragraph (b) is revised to read as follows:

§ 73.73 Requirement for advance notice and protection of export shipments of special nuclear material of low strategic significance.

(b) A licensee who needs to amend a written advance notification required by paragraph (a) of this section may do so by telephoning the Division of Safeguards and Transportation at 301-492-3365.

22. In § 73.74, paragraph (b) is revised to read as follows:

§ 73.74 Requirement for advance notice and protection of import shipments of nuclear material from countries that are not party to the Convention on the Physical Protection of Nuclear Materials.

(b) A licensee who needs to amend a written advance notification required by paragraph (a) of this section may do so by telephoning the Division of Safeguards and Transportation at 301-492-3365.

PART 74—MATERIAL CONTROL AND ACCOUNTING OF SPECIAL NUCLEAR MATERIAL

23. The authority citation for Part 74 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

24. In § 74.6, paragraph (b)(2) is revised to read as follows:

§ 74.6 Communications.

(b) * * *

(2) 11555 Rockville Pike, One White Flint North, Rockville, Maryland.

PART 110—EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL

25. The authority citation for Part 110 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

26. Section 110.4 is revised to read as follows:

§ 110.4 Inquiries.

Inquiries concerning this part should be addressed to the Assistant Director for International Security, Office of Governmental and Public Affairs, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (Telephone 301-492-0344).

27. In § 110.30, paragraph (a) is revised to read as follows:

§ 110.30 Filing license applications.

(a) A person shall file a license application with the Assistant Director for International Security, Office of Governmental and Public Affairs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, or deliver the application in person to the Commission's Offices at 1717 H Street, NW, Washington, DC.

28. In § 110.43, paragraph (a)(1) is revised to read as follows:

§ 110.43 Physical security standards.

(a) * * *

(1) Review of the physical security program established by the recipient country and of the implementation of the national requirements, as considered through country visits and other information exchanges, to ensure that the physical security measures provide, as a minimum protection comparable to that set forth in the International Atomic Energy publication INFCIRC/225 Rev. 1, entitled "The Physical Protection of Nuclear Material" (INFCIRC/225), which is incorporated by reference in this part. This incorporation by reference was approved by the Director of the Federal Register on May 3, 1978. Notice of any changes to the publication will be published in the *Federal Register*. Copies of INFCIRC/225 may be obtained from the Assistant Director for International Security, Office of Governmental and Public Affairs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and are available for inspection in the Commission Public Document Room. A copy is on file in the library of the Office of the Federal Register.

29. In 110.50, paragraph (b)(3) is revised to read as follows:

§ 110.50 Terms.

(b) * * *

(3) Unless a license specifically authorizes the export of foreign-origin nuclear material or equipment, a licensee shall notify in writing the Assistant Director for International Security at least 40 days prior to export of Australian-origin or Canadian-origin nuclear material or equipment. A licensee may not ship this material or equipment until authorized by the Assistant Director for International Security. The Assistant Director for International Security will not authorize shipment until after obtaining the consent of the Australian Government for Australian-origin material or the

Canadian Government for Canadian-origin material.

30. § 110.70, paragraph (c) is revised to read as follows:

§ 110.70 Public notice of receipt of an application.

(c) Periodic lists of applications received may be obtained upon request addressed to the Assistant Director for International Security, Office of Governmental and Public Affairs, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Dated at Bethesda, Maryland, this 3rd day of February 1988.

For the Nuclear Regulatory Commission,

James M. Taylor,
Acting Executive Director for Operations.
[FR Doc. 88-3024 Filed 2-11-88; 8:45 am]

BILLING CODE 7590-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 140

Debt Collection; Income Tax Refund Offset

AGENCY: Small Business Administration.
ACTION: Final rule.

SUMMARY: The Budget Reconciliation Act of 1987, passed December 22, extends authority of the Secretary of the Treasury to offset the income tax refund due a taxpayer who has a delinquent debt obligation to the Federal Government under section 2653 of the Deficit Reduction Act.

Therefore, SBA is republishing this regulation which was scheduled to expire with the authority under the Deficit Reduction Act on December 31, 1987. The text is identical to that published in 51 FR 42547, November 25, 1986.

DATES: Effective retroactively to January 1, 1988.

FOR FURTHER INFORMATION CONTACT: Fred Hanus, Financial Analyst, Office of Portfolio Management, Small Business Administration, 1441 L Street NW., Room 813, Washington, DC 20416. Telephone (202) 653-6900 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: SBA adopted regulations on November 25, 1986, at 51 FR 42547, to implement 31 U.S.C. § 3720A. SBA published supplementary information with the regulation explaining its authority. The Budget Reconciliation Act of 1987, Pub. L. 100-203 extends statutory authority

without otherwise amending it. Therefore, SBA is republishing the identical regulation.

Since this rule is procedural in nature and since the procedures themselves require that actual notice be sent to all persons affected thereby, it is not subject to the notice and public comments requirements of the Administrative Procedures Act, 5 U.S.C. 553(b)(A). No comments were received when this regulation was first published as an interim final rule.

Executive Order 12291

These regulations are not a major rule because they will not have an annual economic effect of \$100 million or more. They will not increase costs to any entity nor adversely affect competition or employment in the United States.

Regulatory Flexibility Act Certification

SBA certifies that this rule will not have a significant economic impact on a substantial number of small entities. SBA will notify the Internal Revenue Service only of debts owed by individuals. Therefore, no small entities will be affected.

Paperwork Reduction Act of 1980

This rule requires individuals to submit information if they wish to dispute SBA's claim. 13 CFR 140.6(e). This information requirement is part of an administrative action which begins when SBA sends a notice to a particular party as required by § 140.6(c). Therefore, this collection is exempt from the requirements of the Paperwork Reduction Act. 5 CFR 1320.3(c).

PART 140—DEBT COLLECTION

Accordingly 13 CFR Part 140 is amended as follows:

1. Revise the authority citation:

Authority: 31 U.S.C. 3720A, Deficit Reduction Act; 15 U.S.C. 634(b)(6), Small Business Act.

2. Add in the table of contents for Part 140 the new section as follows:

Sec.

* * * * *

140.6 Income Tax Refund Offset.

3. Add new § 140.6 *Income Tax Refund Offset* as follows:

§ 140.6 Income tax refund offset.

(a) *Definitions.*—(1) *Past due.* Any accelerated debt or any judgment debt is past due for the purpose of this section, and remains past due until paid in full. An unaccelerated debt is past due if, at the time of the notice required by paragraph (c) of this section, any part of the debt had been due, but not paid

for at least 90 days. Such an unaccelerated debt remains past due until paid current.

(2) *Legally enforceable.* A debt is legally enforceable if there is any forum, including State or Federal court or administrative agencies, in which SBA's claim would not be barred on the date of offset. Non-judgment debts are enforceable for ten years. Judgment debts are enforceable beyond ten years.

(3) *Debt.* A debt eligible for offset of tax overpayment is the principal amount loaned but not repaid or otherwise due, plus interest accrued to the date of referral, penalties, and costs, including any fee charged by the Internal Revenue Service. If a note has not been accelerated, the principal amount eligible for offset is limited to the principal portion of installments due, but not paid, as of the day of referral.

(4) *Notice.* Notice means the information sent to the debtor pursuant to paragraph (c) of this section. The information may be included on or with a bill or monthly statement. The date of notice is three days after mailing by SBA.

(5) *Dispute.* A dispute is a written statement that all or part of an alleged debt is not past due or is not legally enforceable supported by documentation or other evidence. Offers of compromise, repayment plans, requests for deferrals and other requests or offers are not disputes.

(b) *Referral.* SBA may request the IRS to offset any tax refund payable to an individual who has a past due, legally enforceable debt of \$25.00 or more due to the Agency. SBA shall make the referral in the form and on the dates prescribed by the IRS.

(c) *Notice.* Before making a referral, SBA will mail a notice to the debtor's last known address stating that SBA intends to refer the debt to IRS for a tax refund deduction unless the debtor pays the past due amount or disputes the debt according to the procedures explained below within 60 days. The notice will include an address where disputes must be sent.

(d) *Other preconditions.* Prior to referring a debt, SBA will:

(1) Disclose the loan status to a consumer reporting agency as provided by 31 U.S.C. 3711(f) and implemented in 13 CFR 140.3; and

(2) Satisfy any other conditions prescribed by the Secretary of the Treasury in 26 CFR 301.6402-6T or other regulations.

(e) *Disputes.* A debtor may request a review by SBA if the debtor believes that all or part of the debt is not past due or legally enforceable as follows:

(1) The debtor must send a written request for review to the address provided in the notice.

(2) The request must state the amount disputed and the reasons why the debtor believes that the debt is not past due or is not legally enforceable.

(3) The request must include any documents which the debtor wishes to be considered or state that additional information will be submitted within the time permitted.

(4) The request, and any additional information submitted pursuant to paragraph (e)(3) of this section, must be received by SBA, at the address stated in the notice, within 60 days of the notice provided for in paragraph (c) of this section.

(f) *Reviews.* The SBA field office responsible for servicing a debt will review disputes. SBA shall consider any documentation and arguments submitted by the debtor and agency records. A decision that any disputed portion of the debt is eligible to be referred shall be reviewed and concurred in by a supervisory official. SBA shall send a written notice of the decision to the debtor.

(g) *Change In Amount Due.* SBA will notify IRS of any reduction in the amount due within 10 business days of receipt of payments or notice of other reductions. SBA will not report increases in the amount due after the original referral. However, any fee charged by IRS may be imposed and added to the balance at the time of offset.

(g) *Prior Reviews.* Any debt which has been reviewed pursuant to this section, or any other section of this part, or which has been reduced to a judgment, may not be disputed except on the grounds of payments made, or events occurring, subsequent to the previous review.

(h) *Simultaneous Referrals.* SBA may refer a debt to IRS for a tax refund offset and take additional action at the same time or in sequence. Such additional action may include, but is not limited to, disclosing the debt to a consumer reporting agency as permitted by 31 U.S.C. 3711(f) and 13 CFR 140.3. When SBA makes simultaneous or sequential referrals, only one review is required, provided that:

(1) SBA gives notice of each intended action at least 60 days before the first action;

(2) The review granted is the broadest permitted for any of the proposed actions; and

(3) All the referrals occur within 6 months of the notice.

Dated: February 1, 1988.

James Abdnor,
Administrator.

[FR Doc. 88-2977 Filed 2-11-88; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 88-NM-05-AD; Amdt. 39-5851]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Boeing Model 747 series airplanes, except Model 747SP, which requires periodic inspection of both inboard and outboard trailing edge flap carriage spindles for fracture or cracks, and repair or replacement, if necessary. This amendment is prompted by a report of two spindles failing on one flap, causing severe control problems during approach and landing. This condition, if not corrected, could lead to the inability of the pilot to safely control the airplane during landing.

EFFECTIVE DATE: March 7, 1988.

ADDRESSES: The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Richard H. Yarges, Airframe Branch, ANM-120S; telephone (206) 431-1925. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: An incident has occurred in which a Boeing Model 747 airplane was on approach when both inboard and outboard spindles of the left inboard trailing edge flap failed, causing severe control problems during approach and landing. On the ground, the foreflap and midflap were found severely damaged.

The number 4 carriage spindle

fractured just forward of the aft journal sleeve and the number 3 carriage spindle fractured under the journal sleeve at the forward end. Both fractures initiated at corrosion pits and propagated by stress corrosion until the final rapid ductile fracture.

Evidence indicates that the number 4 carriage spindle fracture had existed, undetected, on the airplane for an extended period of time. During this time the flap functioned normally. The first failure accelerated the time to failure of the number 3 carriage spindle and resulted in a double spindle failure before the first failure was detected.

Since this condition is likely to exist or develop on other airplanes of the same type design, this AD requires periodic inspection of all trailing edge flap carriage spindles for fracture or cracks. This is considered interim action until final action is identified, at which time the FAA may consider further rulemaking.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required).

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423;

49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Boeing: Applies to Model 747 series airplanes, certificated in any category, except Model 747SP. Compliance required as indicated, unless previously accomplished.

To prevent failure of the trailing edge flap's carriage spindles, accomplish the following:

A. Prior to the accumulation by each new or overhauled flap carriage spindle of 30,000 flight hours, or eight years time-in-service, whichever occurs first, or within 30 days after the effective date of this AD, whichever occurs later:

1. Visually inspect forward and aft journal areas of each trailing edge flap carriage spindle for cracks. This requires the removal of access panels to expose the aft journal area.

2. Prior to further flight, repair or replace with serviceable parts any fractured or cracked spindle discovered during the inspection required by paragraph A.1., above.

3. Repeat the inspections required by paragraph A.1., above, at intervals not to exceed three months.

B. An alternate means of compliance or adjustment of the compliance time, which provide an acceptable level of safety and which has the concurrence of an FAA Principal Maintenance Inspector, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service information from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective March 7, 1988.

Issued in Seattle, Washington, on February 4, 1988.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.
[FR Doc. 88-2985 Filed 2-11-88; 8:45 am]

BILLING CODE 4910-13-M