

That airspace extending upward from 700 feet above the surface within 10.2 miles northwest and 4.3 miles southeast of the Idaho Falls VOR/DME 036° and 216° radials extending from 27.2 miles northeast to 16.1 miles southwest of the VOR/DME, and within 7.9 miles southeast and 5.3 miles northwest of the 029° radial of the Pocatello VORTAC extending from 20.1 to 40.9 miles northeast of the VORTAC; that airspace extending from 1200 feet above the surface bounded by a line beginning at the intersection of long. 112°30'03" W, and the south edge of V-298, extending east along V-298 to the intersection of the south edge of V-298 and long. 112°02'00" W, north along long. 112°02'00" W to lat. 44°20'00" N, east along lat. 44°20'00" N to long. 110°37'00" W, south along long. 110°37'00" W to the intersection of long. 110°37'00" W and the northwest edge of V-465, southwest on V-465 to the intersection of V-465 and long. 112°00'00" W, south along long. 112°00'00" W, to the north edge of V-4, west on V-4 to the 24.4 mile radius of the burley VORTAC, thence counterclockwise via the 24.4-mile radius to the south edge of V-269, thence east along the south edge of V-269 to the 25.3-mile radius of the Pocatello VORTAC, thence clockwise via the 25.3-mile radius to lat. 43°05'46" N, long. 113°08'15" W; to lat. 43°20'30" N, long. 112°45'33" W; to lat. 43°32'00" N, long. 112°35'03" W; to lat. 43°50'20" N, long. 112°30'03" W, thence direct to the point of beginning; excluding that airspace within federal airways, the Jackson Hole Airport, WY, the Rexburg/Madison County Airport, ID, and the West Yellowstone Airport, MT, Class E airspace areas.

* * * * *

Issued in Seattle, Washington, on June 9, 1997.

Glenn A. Adams III,

*Assistant Manager, Air Traffic Division,
Northwest Mountain Region.*

[FR Doc. 97-15858 Filed 6-16-97; 8:45 am]

BILLING CODE 4910-13-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1650

RIN 3046-AA45

Procedures for the Collection of Debts by Administrative Offset

AGENCY: Equal Employment Opportunity Commission.

ACTION: Interim rule.

SUMMARY: The Debt Collection Act of 1982, as amended by the Debt Collection Improvement Act of 1996, requires Federal agencies prior to collecting a claim owed to the Government by administrative offset to either adopt Department of Justice, the General Accounting Office or the Department of Treasury administrative

offset regulations without change or to prescribe their own regulations for collecting claims by administrative offset which are consistent with Department of Justice, the General Accounting Office or Department of Treasury regulations. This interim rule establishes Commission regulations for the collection of debts by administrative offset.

DATES: This rule will become effective on June 17, 1997. Written comments on the interim rule must be received on or before August 18, 1997.

ADDRESSES: Comments should be submitted to the Office of the Executive Secretariat, Equal Employment Opportunity Commission, 1801 L Street, N.W., Washington D.C. 20507. Copies of comments submitted by the public will be available for review at the Commission's library, room 6502, 1801 L Street, N.W., Washington, D.C. between the hours of 9:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT:

Kassie A. Billingsley, Director Financial and Resource Management Services, Equal Employment Opportunity Commission, 1801 L Street, N.W., Room 2001, Washington, D.C. 20507, (202) 663-4200 or 202 (663)-4074 (TDD). A copy of the interim rule may be obtained by contacting Ms. Billingsley. This interim rule is also available in the following formats: large print, braille, audio tape and electronic file on computer disk. Requests for this interim rule in an alternative format should be made to the Publications Center at 1-800-669-3362.

SUPPLEMENTARY INFORMATION: The Commission is publishing Subpart C (§§ 1650.301 through 1650.309) as an interim rule to provide for the continued collection of debts by administrative offset. The Commission will consider all comments received on Subpart C and, if necessary, will publish a revised final rule.

Promulgation of these regulations pursuant to the Debt Collection Improvement Act of 1996 (31 U.S.C. 3716) ensures that the public is informed of the Federal Government's debt collection policies, reaffirms the Government's commitment to collect debts due it, and reiterates the public's obligation to repay amounts owed to the Federal Government. The regulations provide a debtor the appropriate due process rights such as the ability to verify, challenge and compromise claims and access to an administrative appeal procedure which is reasonable, while at the same time protecting the Government's interests.

Executive Order 12866

In promulgating the interim rules implementing the administrative offset provisions of the Debt Collection Improvement Act of 1996, the Commission has adhered to the regulatory philosophy and the applicable principles of regulation set forth in section 1 of Executive Order 12866, Regulatory Planning and Review. In addition, it has been determined that this regulation is not a significant regulatory action within the meaning of section 3(f).

Regulatory Flexibility Act

As Chairman of the Equal Employment Opportunity Commission, I certify under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this interim rule will have no economic impact on small entities because it establishes Commission procedures for the collection of debts owed to the Government by its current and former employees.

Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply to this interim rule because it does not contain information collection requirements that require the approval of the Office of Management and Budget.

List of Subjects in 29 CFR Part 1650

Administrative practice and procedure, Claims, Government employees, Income taxes.

Dated: May 16, 1997.

For the Commission.

Gilbert F. Casellas,

Chairman.

For the reasons set forth in the preamble, title 29, chapter XIV of the Code of Federal Regulations is amended as follows:

PART 1650—DEBT COLLECTION

1. The authority citation for Part 1650 is revised to read as follows:

Authority: 5 U.S.C. 5514; 31 U.S.C. 3716, 3720A; 5 CFR 550.1101.

2. Subpart C, consisting of §§ 1650.301 through 1650.309, is added to Part 1650 to read as follows:

Subpart C—Procedures for Collection of Debts by Administrative Offset

Sec.

1650.301	Purpose.
1650.302	Scope.
1650.303	Definitions.
1650.304	Notice of administrative offset.
1650.305	Agency review.
1650.306	Written repayment agreement.
1650.307	Administrative offset.
1650.308	Accelerated procedures.

1650.309 Additional administrative procedures.

Subpart C—Procedures for Collection of Debts by Administrative Offset

§ 1650.301 Purpose.

This subpart sets forth the procedures to be followed in the collection by administrative offset of debts owed to the United States.

§ 1650.302 Scope.

(a) *Applicability.* (1) The procedures in this subpart apply to the collection by administrative offset of debts owed to the Commission or other Federal agencies by former or current Commission employees under the authority of 31 U.S.C. 3716, common law, or any other applicable statutory authority, e.g., training expenses under 5 U.S.C. 4108, debts of employees removed for cause under 5 U.S.C. 5511, amounts owed by accountable officers under 5 U.S.C. 5512, advances of pay under 5 U.S.C. 5522, temporary duty travel advances under 5 U.S.C. 5705, and relocation advances under 5 U.S.C. 5724.

(2) The procedures in this subpart also apply to offset of debts owed to the Commission or other Federal agencies by the Commission's contractors and grant recipients.

(b) *Non-applicability.* (1) The procedures in this subpart do not apply where collection by administrative offset of the debt involved is explicitly provided for or prohibited by another statute.

(2) The procedures in this subpart also do not apply to debts owed to the Commission by other Federal agencies or debts owed to the Commission or other Federal agencies by a State or local government.

(c) *Waiver requests and claims to the GAO.* The procedures in this subpart do not preclude a debtor from requesting waiver of an erroneous payment of pay, travel, transportation, or relocation expenses under 5 U.S.C. 5584 or any other provision of law or from questioning the amount or validity of a debt by submitting a subsequent claim to the U.S. Government Accounting Office.

(d) *Compromise, suspension, or termination under the Federal Claims Collection Standards.* Nothing in this subpart precludes the compromise, suspension, or termination of administrative offset collection actions, where appropriate, in accordance with the Federal Claims Collection Standards in 4 CFR chapter II.

§ 1650.303 Definitions.

For purposes of this subpart, the term *administrative offset* means the withholding of money payable by the Commission to, or held by the Commission for, a person to satisfy a debt the person owes to the Government. The term *person* means a natural person or persons, profit or non-profit corporation, partnership, association, trust, estate, consortium, or other entity which is capable of owing a debt to the United States Government except that the term does not include an agency of the United States Government or any State or a unit of a general local government. The terms *agency*, *creditor agency*, *debt*, *employee*, *FCCS*, *FRMS* and *waiver* shall have the meanings set forth in subpart A of this part.

§ 1650.304 Notice of administrative offset.

(a) *Advance notice.* At least 30 days in advance of collecting any debt by administrative offset, notice of the Commission's intent to offset shall be given to the debtor by certified mail, return receipt requested, at the most current address that is available to the Commission. The notice shall provide:

(1) A description of the nature and amount of the debt and the Commission's intention to collect the debt through administrative offset;

(2) An opportunity to inspect and copy the records of the Commission with respect to the debt;

(3) An opportunity to request review of the Commission's determinations with respect to the debt; and

(4) An opportunity to enter into a written agreement for the repayment of the amount of the debt.

(b) *Exception to the advance notice requirement.* When the procedural requirements in this subpart have been previously provided to a debtor in connection with the same debt under another statutory or regulatory authority, such as for salary offset or pursuant to a notice of audit disallowance, the Commission is not required to duplicate those procedures before initiating collection of the debt by administrative offset.

§ 1650.305 Agency review.

(a) A debtor may dispute the existence of the debt, the amount of the debt, or the terms of repayment. The request to review the disputed debt must be received by the Director of the Financial Management Division within 30 calendar days of the debtor's receipt of the pre-offset notice.

(b) If the debtor requests an opportunity to inspect or copy the Commission's records concerning the debt, then the debtor will have 10

business days from the date of inspection or from receipt of the mailed documents for review.

(c) Pending review of the disputed debt, transactions in any of the debtor's account(s) maintained in the Commission may be temporarily suspended to the extent of the debt that is owed. Depending on the type of transaction, the suspension could preclude payment, withdrawal, or transfer, as well as prevent the payment of interest or discount due thereon. Should the dispute be resolved in the debtor's favor, the suspension will be lifted immediately.

(d) During the review period, interest, penalties, and administrative costs authorized under the Federal Claims Collection Act of 1966, as amended (31 U.S.C. 3711), will continue to accrue.

§ 1650.306 Written repayment agreement.

A debtor may request an opportunity to negotiate a written agreement for the repayment of the debt. If the financial position of the debtor does not support the ability to pay in one lump-sum, reasonable installments may be considered. No installment arrangement will be considered unless the debtor submits a financial statement, executed under penalty of perjury, reflecting the debtor's assets, liabilities, income, and expenses. The financial statement must be submitted within 10 business days of the Commission's request for the statement. At the Commission's option, a confess-judgment note or bond of indemnity with surety may be required for the installment agreement. Notwithstanding the provisions of this section, any reduction or compromise of a claim will be governed by 4 CFR part 103 and 31 U.S.C. 3711.

§ 1650.307 Administrative offset.

(a) If the debtor does not timely exercise his right to review or, as a result of the review, it is determined that the debt is due and no written agreement is executed, then administrative offset shall be ordered in accordance with these regulations without further notice.

(b) The Director of the Financial Management Division of Financial and Resource Management Services or designee, after attempting to collect a debt from a person under the Federal Claims Collection Act of 1966, as amended (31 U.S.C. 3711), may collect the debt by administrative offset subject to the following:

(1) The debt is certain in amount; and
(2) It is in the best interest of the United States to collect the debt by administrative offset because it is less

costly and speeds repayment of the debt.

(c) If the 6-year period for bringing action on a debt provided in 28 U.S.C. 2415 has expired, then administrative offset may be used to collect the debt only if the costs of bringing such action are likely to be less than the amount of the debt.

(d) No collection by administrative offset shall be made on any debt that has been outstanding for more than 10 years unless facts material to the Government's right to collect the debt were not known, and reasonably could not have been known, by the official or officials responsible for discovering and collecting such debt.

(e) *Request for administrative offset by the Commission to another Federal agency.* The Director of the Financial Management Division, or designee, may request that funds due and payable to a debtor by a Federal agency be administratively offset in order to collect a debt owed to the Commission by that debtor. In requesting administrative offset the Commission, as creditor, will certify in writing to the Federal agency holding funds of the debtor:

- (1) That the debtor owes the debt;
- (2) The amount and basis of the debt; and
- (3) That the Commission has complied with the requirements of its own administrative offset regulations in this subpart, and the applicable provisions of 4 CFR part 102, including providing any required hearing or review.

(f) *Request for administrative offset from another Federal agency.* Any Federal creditor agency may request the Commission make an administrative offset from any Commission funds due and payable to a creditor agency's debtor. The Commission shall initiate the requested administrative offset only upon:

- (1) Receipt of written certification from the creditor agency:
 - (i) That the debtor owes the debt;
 - (ii) The amount and basis of the debt;
 - (iii) That the agency has prescribed regulations for the exercise of administrative offset; and
 - (iv) That the agency has complied with its own administrative offset regulations and with the applicable provisions of 4 CFR part 102, including providing any required hearing or review; and

(2) A determination by the Commission that collection by administrative offset against funds payable to the debtor by the Commission would not otherwise be contrary to law.

§ 1650.308 Accelerated procedures.

The Commission may make an administrative offset against a payment to be made to the debtor prior to the completion of the procedures required by this subpart, if failure to take the offset would substantially jeopardize the Commission's ability to collect the debt, and the time before the payment is to be made does not reasonably permit the completion of those procedures. Such prior offset shall be promptly followed by the completion of the procedures required by this subpart. Amounts recovered by offset but later found not to be owed to the Commission shall be promptly refunded.

§ 1650.309 Additional administrative procedures.

Nothing contained in this subpart is intended to preclude the use of any other administrative remedy which may be available.

[FR Doc. 97-14805 Filed 6-16-97; 8:45 am]

BILLING CODE 6570-06-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 920, 935, and 943

[MD-040-FOR, OH-236-FOR, TX-017-FOR]

State Program Amendments

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.
ACTION: Final rule; correction.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is correcting the effective date of three final rules that appeared in the **Federal Register** on March 26, 1997. These documents approved amendments to the Maryland regulatory program (62 FR 14306), the Ohio abandoned mine land reclamation plan (62 FR 14308) and the Texas regulatory program (62 FR 14311) all effective on the date of publication, March 26, 1997. OSM had prepared a separate rulemaking on March 5, 1997 (62 FR 9932), which became effective April 4, 1997. Due to the differences in effective dates, the March 5, 1997, rule would result in a nullification of the three state program amendments previously listed. Therefore, this document corrects the effective date of the three state program amendments to April 7, 1997.

EFFECTIVE DATE: The amendments to 30 CFR Parts 920 (62 FR 14306), 935 (62 FR 14308) and 943 (62 FR 14311) are effective April 7, 1997.

FOR FURTHER INFORMATION CONTACT:

John A. Trelease, Division of Regulatory Support, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Room 210 SIB, Washington, DC 20240; Telephone (202) 208-2783.

In FR Docs. 97-7535, 97-7536 and 97-7533, appearing on pages 14306, 14308 and 14311, respectively, in the **Federal Register** of Wednesday, March 26, 1997, the following corrections are made:

On pages 14307, 14308 and 14311, the Maryland (MD-040-FOR), Ohio (OH-236-FOR) and Texas (TX-017-FOR) state program amendments' **EFFECTIVE DATE** for each final rule is corrected to read April 7, 1997.

Dated: June 10, 1997.

Kathrine L. Henry,
Acting Director.

[FR Doc. 97-15762 Filed 6-16-97; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 179-0042; FRL-5842-8]

Withdrawal of Direct Final Rule for Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Bay Area Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Due to an adverse comment, EPA is withdrawing the direct final rule for the approval of revisions to the California State Implementation Plan. EPA published the direct final rule on Thursday, April 17, 1997 (62 FR 18710), approving revisions to rules from the Bay Area Air Quality Management District (BAAQMD). As stated in that **Federal Register** document, if adverse or critical comments were received by May 19, 1997, the effective date would be delayed and notice would be published in the **Federal Register**. EPA subsequently received adverse comments on that direct final rule. EPA will address the comments received in a subsequent final action in the near future. EPA will not institute a second comment period on this document.

DATES: Withdrawal of this direct final rule becomes effective on June 17, 1997.

FOR FURTHER INFORMATION CONTACT: Julie Rose, Rulemaking Office (AIR-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne