

provides an acceptable level of safety may be used if approved by the Manager, Chicago Aircraft Certification Office, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Chicago Aircraft Certification Office.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Chicago Aircraft Certification Office.

(f) The check, test, and replacement, if necessary, shall be done in accordance with Enstrom Helicopter Corporation Service Directive Bulletin No. 0086, dated March 31, 1996. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Enstrom Helicopter Corporation, Twin County Airport, P.O. Box 490, Menominee, Michigan 49858. Copies may be inspected at the FAA, Office of the Assistant Chief Counsel, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on October 7, 1997.

Issued in Fort Worth, Texas, on September 16, 1997.

**Eric Bries,**

*Acting Manager, Rotorcraft Directorate,  
Aircraft Certification Service.*

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## DEPARTMENT OF COMMERCE

### Bureau of the Census

#### 15 CFR Part 30

[Docket No. 970624153-7228-02]

RIN 0607-AA23

#### Conditional Exemptions for Filing Shipper's Export Declarations (SED) for Tools of Trade

**AGENCY:** Bureau of the Census, Commerce.

**ACTION:** Final rule.

**SUMMARY:** The Bureau of the Census is amending the Foreign Trade Statistics Regulations (FTSR) to include an exemption for exporters who currently must file a Shipper's Export Declaration (SED) for temporary exports of tools of trade. This exemption will apply whenever the tools of trade are company-owned commodities and software, accompany the employees or representatives of the exporting company, and are intended to remain outside of the country for less than one year. The current regulation only allowed an exemption for filing an SED

when the tools of trade were owned by individuals. This exemption will still apply. The Department of Treasury concurs with the provisions contained in this rule.

**EFFECTIVE DATE:** This rule will become effective September 22, 1997.

**FOR FURTHER INFORMATION CONTACT:**

Requests for additional information should be directed to C. Harvey Monk, Jr., Chief, Foreign Trade Division, Bureau of the Census, Room 2104, Federal Building 3, Washington, D.C. 20233-6700, by telephone on (301) 457-2255 or by fax on (301) 457-2645.

**SUPPLEMENTARY INFORMATION:** The FTSR currently exempts tools of trade that are owned by individuals from the requirement to file an SED. However, for tools of trade owned by a company rather than an individual, the FTSR provided no such exemption. Companies doing business abroad requested that the Census Bureau review the current regulation to allow an exemption to eliminate the SED filing requirement for company-owned tools of trade that accompany employees or representatives of the company for temporary use abroad.

Based upon our evaluation of these customer requests, the Census Bureau determined to broaden the current exemption criteria for filing SEDs to include an exemption for company-owned tools of trade.

Based upon reviews by the Bureau of Export Administration (BXA) and the U.S. Customs Service, the Census Bureau determined that, for statistical purposes, it is not necessary to collect information on temporary exports of company-owned tools of trade that do not normally require an export license or that are exported without a license as specified in 15 CFR 740.9 of the BXA Export Administration Regulations (EAR). For SED filing exemption purposes, the Census Bureau will include certain provisions of 15 CFR 740.9 of the EAR in its criteria for exemptions to the SED filing requirements.

Therefore, the Bureau of the Census is amending 15 CFR 30.56 (b) to include an exemption to SED filing requirements for exports of company-owned tools of trade, which are reasonable kinds and quantities of commodities and software for use by employees or representatives of the company in its enterprises or undertakings abroad. Commodities and software are eligible for export under this exemption provided that the commodities and software:

(1) Are owned by the individual or the exporting company;

(2) Accompany the individual exporter, employee or representative of the exporting company;

(3) Are necessary and appropriate and intended for the personal and/or business use of the individual exporter, employee or representative of the company or business;

(4) Are not for sale; and

(5) Are returned to the United States no later than one year from the date of export.

This revision to 15 CFR 30.56 (b) will increase the conditional exemptions for tools of trade owned by individuals, companies and/or businesses and minimize the reporting burden for filing an SED.

#### Response to Comments

The Census Bureau issued a Notice of Proposed Rulemaking and Request for Comments in the **Federal Register** (62 FR 36242) on Monday, July 7, 1997. The Bureau of the Census received four letters commenting on the proposed rule. All of the letters expressed support for the proposal and recommended prompt enactment of the final rule. No changes were made to the final rule as a result of comments received.

#### Rulemaking Requirements

This rule is exempt from all requirements of Section 553 of the Administrative Procedure Act because it deals with a foreign affairs function (5 U.S.C. (A) (1)).

Because a notice of proposed rulemaking was not required by 5 U.S.C. 553 or any other law, a Regulatory Flexibility Analysis was not required and was not prepared (5 U.S.C. 603(a)).

This rule is exempt from the requirements of Executive Order 12866.

This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

#### Paperwork Reduction Act

Notwithstanding any other provisions of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid Office of Management and Budget (OMB) control number.

This rule covers collections of information subject to the provisions of the Paperwork Reduction Act, which are cleared by the Office of Management and Budget under OMB control numbers 0607-0001, 0607-0018, and 0607-0152.

This rule will result in a reduction of reporting-hour burden requirements under provisions of the Paperwork Reduction Act of 1995, Public Law 104-13.

#### List of Subjects in 15 CFR Part 30

Economic statistics, Foreign trade, Exports, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, Part 30 is amended as follows:

#### PART 30—FOREIGN TRADE STATISTICS REGULATIONS

1. The authority citation for 15 CFR Part 30 continues to read as follows:

**Authority:** 5 U.S.C. 301; 13 U.S.C. 301-307; Reorganization Plan No. 5 of 1950 (3 CFR 1949-1953 Comp., p. 1004); Department of Commerce Organization Order No. 35-2A, August 4, 1975, 40 CFR 42765.

#### Subpart D—Exemptions from the Requirements for the Filing of Shipper's Export Declarations

2. Section 30.56 (b) is revised to read as follows:

##### § 30.56 Conditional exemptions.

\* \* \* \* \*

(b) Tools of trade are usual and reasonable kinds and quantities of commodities and software, and their containers, that are intended for use by individual exporters or by employees or representatives of the exporting company in furthering the enterprises and undertakings of the exporter abroad. Commodities and software eligible for this exemption are those that do not normally require an export license or that are exported without a license as specified in 15 CFR 740.9 of the EAR (15 CFR chapter VII, subchapter C) and are subject to the following provisions:

- (1) Are owned by the individual exporter or exporting company;
- (2) Accompany the individual exporter, employee or representative of the exporting company;
- (3) Are necessary and appropriate and intended for the personal and/or business use of the individual exporter, employee or representative of the company or business;
- (4) Are not for sale; and
- (5) Are returned to the United States no later than one year from the date of export.

\* \* \* \* \*

Dated: September 5, 1997.

**Martha Farnsworth Riche,**

*Director, Bureau of the Census.*

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#### SOCIAL SECURITY ADMINISTRATION

##### 20 CFR Part 416

RIN 0960-AE67

#### Supplementary Security Income; Overpayment Recovery by Offset of Federal Income Tax Refund

**AGENCY:** Social Security Administration

**ACTION:** Final rules.

**SUMMARY:** These final regulations govern use of the Federal income tax refund offset program established under section 2653 of the Deficit Reduction Act of 1984, Pub. L. No. 98-369. They permit the recovery of supplemental security income (SSI) overpayments through the withholding of amounts due to former SSI recipients as Federal income tax refunds. In these rules, we reflect the provisions of the statute and explain the procedures that we will follow in referring SSI overpayments to the Department of the Treasury for income tax refund offset (TRO).

**EFFECTIVE DATE:** These final rules are effective September 22, 1997.

##### FOR FURTHER INFORMATION CONTACT:

Robert J. Augustine, Legal Assistant, Division of Regulations and Rulings, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 966-5121. For information on eligibility or claiming benefits, call our national toll-free number, 1-800-772-1213.

**SUPPLEMENTARY INFORMATION:** Section 2653 of the Deficit Reduction Act of 1984, codified at 31 U.S.C. § 3720A and 26 U.S.C. § 6402(d), authorized the Secretary of the Treasury, upon receiving notice from a Federal agency that a named individual owes the agency a past-due, legally enforceable debt, to withhold all or a part of any income tax refund that is due to the debtor and pay the amount withheld to the agency. Section 2653 specifically precluded the use of these procedures to recover overpayments of Social Security benefits paid under title II of the Social Security Act (the Act). Under 31 U.S.C. § 3720A, a Federal agency that is owed a past-due, legally enforceable debt by an individual shall notify the Secretary of the Treasury of the debt in accordance with regulations issued by the Department of the Treasury. The applicable Treasury regulations are codified at 31 CFR Part 285 (62 FR 34175). Before an agency may refer a debt to Treasury, it must, under 31 U.S.C. § 3720A, take the following actions: (1) notify the debtor that the agency proposes to refer the debt for tax refund offset; (2) give the debtor at least

60 days to present evidence that all or part of the debt is not past-due or not legally enforceable; (3) consider all evidence the debtor presents in determining that all or a part of the debt is past-due and legally enforceable; and (4) satisfy any other conditions that the Secretary of the Treasury may prescribe to ensure that the agency's findings are valid and that the agency has made reasonable efforts to obtain the payment of the debt.

Although section 2653 gave us the authority to use the TRO provisions to recover overpayments made to recipients of SSI payments under title XVI of the Act, we elected not to do so at that time because we did not think it appropriate to use a procedure we were precluded from using to recover title II overpayments to recover overpayments made under the needs-based title XVI program.

Section 5129 of the Omnibus Budget Reconciliation Act of 1990 (OBRA 90) removed the restriction on using the TRO provisions to recover title II overpayments. Section 5129 added several additional conditions to the referral of title II overpayments for offset. These included: (1) the overpaid individual may not be currently entitled to Social Security benefits under title II of the Act; (2) the notice that we send to the overpaid individual concerning our intent to seek the offset must describe the conditions under which we are required to waive recovery of an overpayment under section 204(b) of the Act; and (3) if the overpaid individual requests that we waive recovery of the overpayment within the 60-day period allowed under the program for presenting evidence that the debt is not past due or not legally enforceable, we may not certify the overpayment to Treasury without first issuing a determination on the waiver request. We issued final regulations on October 21, 1991 (56 FR 52466) implementing these statutory changes.

Since that time, we have been modifying our computer systems to extend the TRO provisions to various subgroups of former title II program beneficiaries. We now have the necessary systems modifications in place to permit us to extend the TRO provisions to the title XVI program, as well. These title XVI rules closely follow the existing rules for the title II program, including the same conditions that the OBRA 90 legislation required for the title II program. That is, these rules provide that: (1) the overpaid individual may not currently be eligible to receive SSI payments under title XVI of the Act; (2) the notice we send to the overpaid individual concerning our