

misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this notice to clarify this requirement.

There are approximately 126 Model DC 10-10 airplanes of the affected design in the worldwide fleet. The FAA estimates that 77 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 14 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$64,680, or \$840 per airplane, per inspection cycle.

The total cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the

location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

McDonnell Douglas: Docket 94-NM-178-AD.

Applicability: Model DC-10-10 airplanes, as listed in McDonnell Douglas DC-10 Service Bulletin 57-129, dated August 12, 1994, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (e) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced structural integrity of the wing front spar and damage to adjacent structures due to fatigue cracking in the upper cap of the front spar of the wing, accomplish the following:

(a) Prior to the accumulation of 10,000 total landings, or within 1,800 landings after the effective date of this AD, whichever occurs later, perform an initial eddy current test high frequency (ETHF) surface inspection to detect cracks in the upper cap of the front spar of the left and right wing between stations Xos 667.678 and Xos 789.645, inclusive, in accordance with McDonnell Douglas DC-10 Service Bulletin 57-129, dated August 12, 1994. Repeat this

inspection thereafter at intervals specified in paragraph (b) or (c) of this AD, as applicable.

(b) For airplanes on which no crack is found: Repeat the inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 10,000 landings, or accomplish the crack preventative modification in accordance with McDonnell Douglas DC-10 Service Bulletin 57-129, dated August 1994. Accomplishment of that preventative modification constitutes terminating action for the requirements of this paragraph.

(c) For airplanes on which any crack is found that is identified as "Condition II" in McDonnell Douglas DC-10 Service Bulletin 57-129, dated August 12, 1994: Accomplish paragraphs (c)(1) and (c)(2) of this AD in accordance with that service bulletin.

(1) Prior to further flight, perform the permanent repair for cracks in accordance with the service bulletin; and

(2) Within 12,500 landings after the installation of the permanent repair specified in paragraph (c) (1) of this AD, perform an ETHF surface inspection for cracks, in accordance with the service bulletin. Repeat this inspection thereafter at intervals not to exceed 7,000 landings.

(d) For airplanes on which any crack is found that is identified as "Condition III" in McDonnell Douglas DC-10 Service Bulletin 57-129, dated August 12, 1994: Prior to further flight, repair the cracking in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles ACO, FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on January 6, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95-791 Filed 1-11-95; 8:45 am]

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AGENCY FOR INTERNATIONAL DEVELOPMENT

22 CFR Part 213

Collection of Debts by Tax Refund Offset

AGENCY: Agency for International Development.

ACTION: Proposed rule.

SUMMARY: The Agency for International Development proposes to issue regulations to allow the agency to recover delinquent debts owed the United States Government through the offset of tax refunds.

DATES: Comments must be submitted on or before February 13, 1995.

ADDRESSES: Comments may be mailed to Mr. Jan Miller, Office of the General Counsel, Room 6881, N.S., Agency for International Development, Washington, DC 20523.

FOR FURTHER INFORMATION CONTACT: Jan W. Miller, (202) 647-6380.

SUPPLEMENTARY INFORMATION: The proposed rule will enable the agency to recover delinquent debts owed the United States Government through the offset of tax refunds. The proposed rule sets forth the procedures to be followed by AID in using tax refund offset.

Regulatory Flexibility and Impact Analysis

This action will not have a significant economic impact on a substantial number of small entities including small businesses, small organizational units and small governmental jurisdictions.

This action does not constitute a "major rule" under Executive Order No. 12291.

Environmental Impact

This action does not constitute a major Federal action significantly affecting the quality of the human environment.

List of Subjects in 22 CFR Part 213

Claims, salary offset.

Accordingly, it is proposed to amend 22 CFR part 213 as follows:

1. The authority citation for part 213 is revised to read as follows:

Authority: Sec. 621 of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2381; Subpart B also issued under 5 U.S.C. 5514; 5 CFR part 5550, subpart K. Subpart C also issued under 31 U.S.C. 3720A.

2. Part 213 is amended to add a new subpart C as follows:

PART 213—COLLECTION OF CLAIMS

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Subpart C—Collection of Debts by Tax Refund Offset

213.21 Purpose.

213.22 Applicability and scope.

213.23 Administrative charges.

213.24 Pre-offset notice.

213.25 Reasonable attempt to notify and clear and concise notification.

213.26 Consideration of evidence and notification of decision.

213.27 Change in conditions after submission to IRS.

Subpart C—Collection of Debts by Tax Refund Offset

§ 213.21 Purpose.

This subpart establishes procedures for AID to refer past due debts to the Internal Revenue Service (IRS) for offset against income tax refunds of taxpayers owing debts to AID.

§ 213.22 Applicability and scope.

(a) This subpart implements 31 U.S.C. 3720A which authorizes the IRS to reduce a tax refund by the amount of a past due and legally enforceable debt owed to the United States.

(b) A past due legally enforceable debt referable to the IRS is a debt which is owed to the United States and;

(1) Except for judgement debt or other debts specifically exempt from this requirement, is referred within 10 years after AID's right of action accrues;

(2) In the case of individuals, is at least \$25.00.

(3) In the case of business debtors is at least \$100.00;

(4) In the case of individual debtors, cannot be currently collected pursuant to the salary offset provisions of 5 U.S.C. 5514(a).

(5) Is ineligible for or cannot be currently collected pursuant to the administrative offset provisions of 31 U.S.C. 3716;

(6) Is the debt of a debtor (or in the case of an individual debtor, his or her spouse) for whom AID records do not show debtor has filed for bankruptcy under title 11 of the United States Code or from whom AID can clearly establish at the time of the referral that an automatic stay under 11 U.S.C. 362 has been lifted or is no longer in effect;

(7) Has been disclosed by AID to a consumer reporting agency as authorized by 31 U.S.C. 3711(f); and

(8) With respect to which AID has given notice, considered any evidence, and determined that the debt is past-due and legally enforceable under the provisions of this subpart;

§ 213.23 Administrative charges.

All administrative charges incurred in connection with the referral of debts to the IRS will be added to the debt, thus increasing the amount of the offset.

§ 213.24 Pre-offset notice.

(a) Before AID refers a debt to the IRS, it will notify or make a reasonable attempt to notify the debtor that:

(1) The debt is past due;

(2) Unless repaid within 60 days thereafter, the debt will be referred to the IRS for offset against any overpayment of tax;

(3) The debtor has at least 60 days from the date of the notice to present evidence that all or part of such debt is not past-due or not legally enforceable; and

(4) AID will consider any evidence presented by the debtor and determine whether any part of such debt is past-due and legally enforceable.

(b) The notice will explain to the debtor the manner in which the debtor may present such evidence to AID.

§ 213.25 Reasonable attempt to notify clear and concise notification.

(a) *Reasonable attempt to notify.* AID will have made a reasonable attempt to notify the debtor under § 213.24(a) if it used a mailing address for the debtor obtained from the IRS pursuant to the Internal Revenue Code, 26 U.S.C. 6103(m)(2) or (m)(4), unless AID receives clear and concise notification from the debtor that notices are to be sent to an address different from the address obtained from the IRS.

(b) *Clear and concise notification.* Clear and concise notification means that the debtor has provided AID with written notification including the debtor's name and identifying number (as defined in the Internal Revenue Code, 26 U.S.C. 6109), the debtor's new address, and the debtor's intent to have the notices sent to the new address.

§ 213.26 Consideration of evidence and notification of decision.

(a) AID will give the debtor at least 60 days from the date of the pre-offset notice to present evidence. Evidence that collection of the debt is affected by a bankruptcy proceeding involving the debtor shall bar referral of the debt.

(b) If the evidence presented is not considered by an employee of AID but by an entity or person acting for AID, the debtor will have at least 30 days from the date the entity or person decides that all or part of the debt is past-due and legally enforceable to request review by an employee of AID of an unresolved dispute.

(c) AID will provide the debtor with its decision and the decision of any entity or person acting for AID on to whether all or part of the debt is past-due and legally enforceable.

§ 213.27 Change in conditions after submission to IRS.

AID will promptly notify the IRS if, after submission of a debt to the IRS for offset, AID:

- (a) Determines that an error has been made with respect to the information submitted to the IRS;
- (b) Receives a payment or credits a payment, other than an IRS offset, to the account of the debtor;
- (c) Receives notice that the debtor has filed for bankruptcy under title 11 of the United States Code or the debt has been discharged in bankruptcy;
- (d) Receives notice that an offset was made at the time when the automatic stay provisions of 11 U.S.C. 362 were in effect;
- (e) Receives notice that the debt has been extinguished by death; or
- (f) Refunds all or part of the offset amount to the debtor.

Dated: November 22, 1994.

Tony L. Cully,

Controller.

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ENVIRONMENTAL PROTECTION AGENCY
40 CFR Part 52

[PA 41-1-6288; FRL-5133-5]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Limited Approval/Limited Disapproval of Reasonably Available Control Technology Requirements for Major Sources of VOC and NO_x

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing three alternative actions in today's notice concerning Pennsylvania's State Implementation Plan (SIP) revision, which contains regulations requiring major sources of volatile organic compounds (VOC) and nitrogen oxides (NO_x) to implement reasonably available control technology (RACT). The intended effect of this action is to propose and solicit comment on the range of alternative actions regarding the Pennsylvania RACT submittal (Pennsylvania Chapters 129.91 through 129.95 and the associated definitions in Chapter 121). The three alternatives propose either limited approval/limited disapproval or full disapproval of the Pennsylvania regulations. In addition to the specific issues related to the

Pennsylvania submittal, EPA is also specifically taking public comment on the general issue of whether RACT submittals of regulations which allow for future case-by-case SIP revisions meet the RACT requirements of the Clean Air Act and should be approved now, for Pennsylvania, and can be approved in the future for submittals by any state to EPA. EPA's resolution of this issue in this rulemaking will affect its completeness and approvability determinations in future case-by-case SIP revisions meet the RACT requirements of the Clean Air Act and should be approved now, for Pennsylvania, and can be approved in the future for submittals by any state to EPA. EPA's resolution of this issue in this rulemaking will affect its completeness and approvability determinations in future rulemaking on SIP submittals by other states. These actions are being taken under section 110 of the CAA.

DATES: Comments must be received on or before February 13, 1995.

ADDRESSES: Comments may be mailed to Thomas J. Maslany, Director, Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Cynthia H. Stahl, (215) 597-9337, at the EPA Region III address.

SUPPLEMENTARY INFORMATION: On February 4, 1994, the Pennsylvania Department of Environmental Resources (PA DER) submitted a revision to its State Implementation Plan (SIP) for the control of VOC and NO_x emissions from major sources (Pennsylvania Chapters 129.91 through 129.95 and the associated definitions in Chapter 121). This submittal was amended with a revision on May 3, 1994 correcting and clarifying the presumptive NO_x RACT requirements under Chapter 129.93. The Pennsylvania SIP revision consists of new regulations which would require sources which emit or have the potential to emit 25 tons or more of VOC or NO_x per year in Philadelphia or 50 tons or more of VOC per year in the remainder of the Commonwealth to

comply with reasonably available control technology requirements by May 31, 1995. Outside of the Philadelphia ozone nonattainment area, sources of NO_x which emit or have the potential to emit 100 tons or more per year are required to comply with RACT by no later than May 31, 1995. While the Pennsylvania regulations contain specific provisions requiring major VOC and NO_x sources to implement RACT, the regulations under review do not contain specific emission limitations in the form of a specified overall percentage emission reduction requirement or other numerical emission standards. Instead, the Pennsylvania regulations contain technology-based or operational "presumptive RACT emission limitations" for certain major NO_x sources. For other major NO_x sources, and all covered major VOC sources, the submittal contains a "generic" RACT provision. A generic RACT regulation is one which does not impose specific upfront emission limitations but instead allows for future case-by-case determinations. This regulation allows DER to make case-by-case RACT determinations which are then submitted to EPA as revisions to the Pennsylvania SIP.

This proposed rulemaking is intended to take comment on whether a generic RACT submittal, such as Pennsylvania's, meets the requirements of sections 172(c), 182(b)(2), and 182(f) of the Clean Air Act. This rulemaking is designed to clarify whether EPA will approve RACT submittals that allow the SIP to be revised with future case-by-case RACT determinations, or will instead require specific and immediately ascertainable emission limitations.

Background

Pursuant to sections 182(b)(2) and 182(f) of the Clean Air Act (CAA), Pennsylvania is required to implement RACT for all major VOC and NO_x sources by no later than May 31, 1995. The major source size is determined by its location, the classification of that area and whether it is located in the ozone transport region (OTR) which is established by the CAA. The Pennsylvania portion of the Philadelphia ozone nonattainment area consists of Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties and is classified as severe. The remaining counties in Pennsylvania are classified as either moderate or marginal nonattainment areas or are designated attainment for ozone. However, under section 184 of the CAA, at a minimum, moderate ozone nonattainment area